

In The Matter Of:

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Chicago Police Board

Bruce Askew

Report of Proceedings

July 23, 2009

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BEFORE THE POLICE BOARD
OF
THE CITY OF CHICAGO

IN THE MATTER OF CHARGES
FILED AGAINST
P.O. BRUCE ASKEW,
Respondent. } Case No. 09-2706

30 North LaSalle Street
Suite 1220
Chicago, Illinois 60602

Thursday, July 23, 2009
11:18 a.m.

PRESENT:

MR. MICHAEL BERLAND, Hearing Officer;
MS. TAI DUNCAN
MS. HILLINA TAMRAT
Assistant Corporation Counsel,
on behalf of the Superintendent;
MR. JOSEPH RODDY,
on behalf of the Respondent.

REPORTED BY:
GINA M. PINTOZZI, CSR, RPR
LICENSE NO. 084-001997

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CHICAGO (312) 368-1228

1 HEARING OFFICER BERLAND: Okay. The first
2 matter up for me this morning is that of Bruce
3 Askew, Police Officer Bruce Askew, 09-2706.
4 The case is set for hearing.
5 Counsel should identify themselves for the
6 record.
7 MS. DUNCAN: Tai Duncan on behalf of the
8 Superintendent.
9 MS. TAMRAT: Hillina Tamrat on behalf of
10 the Superintendent.
11 MR. RODDY: Joseph Roddy on behalf of
12 Mr. Askew, who is present.
13 HEARING OFFICER BERLAND: Okay. Mr.
14 Roddy, on behalf of Officer Askew --
15 MR. RODDY: I'm sorry. Yes.
16 We acknowledge receipt of the
17 charges at least five days prior to today's
18 hearing. We waive formal reading thereof and
19 enter a plea of not guilty as to each and every
20 one of the allegations.
21 HEARING OFFICER BERLAND: Okay. I am
22 submitting to both counsel the complimentary and
23 disciplinary record of Officer Askew. It's
24 marked as Hearing Officer Exhibit No. 1.

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2 I N D E X
3

Opening Statement by

4 MS. DUNCAN..... Page 16

5
6
7 WITNESS: DX CX RDX RCX
8 BRUCE B. ASKEW, SR. 21
9 JIMMY EDWARD BROWN 33 53 74 79
10 JESSICA SANCHEZ 83 90
11 GARY VANDENHEUVEL 103 112 115
12 RICHARD LOMBARD 116 118
13 ROBERT MARTIN 126 130
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19 DEAN COLTRI 171 173
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1 (Hearing Officer Exhibit
2 No. 1 was marked for
3 identification.)
4 Both counsel should review it and
5 advise me this morning if they stipulate to it.
6 If they don't, they should raise any objection
7 they think applicable.
8 I also received a motion in
9 limine filed by the Superintendent and an answer
10 to the motion in limine filed by Mr. Roddy. I
11 have reviewed both.
12 With respect to the motion in
13 limine, Ms. Tamrat, should I direct my questions
14 to you or Ms. Duncan?
15 MS. TAMRAT: Yes.
16 HEARING OFFICER BERLAND: You have not
17 addressed the case law that Mr. Roddy set forth.
18 I understand you were not the Superintendent's
19 counsel in the Ramos case but in the Ramos case
20 this issue came up, and the U.S. versus Garza
21 decision and also the Allen versus City of
22 Ottawa decision were raised in the Ramos case.
23 Do you have a response?
24 MS. TAMRAT: I do have a response, and I'm

1 sorry. I'm not familiar with how this issue was
2 addressed in the Ramos case.
3 HEARING OFFICER BERLAND: I understand.
4 Neither you nor Ms. Duncan were counsel for the
5 Superintendent. Ms. Flaherty was, but both
6 cases were raised in the Ramos case.
7 MS. TAMRAT: My response would be the
8 Garza case as well as the other Triplett and
9 Barr cases that are cited in the motion -- in
10 the answer to the motion in limine.
11 HEARING OFFICER BERLAND: It's more than
12 that. It's also Allen versus City of Ottawa.
13 MS. TAMRAT: Right. I will address those
14 first. I wanted to address the criminal cases
15 first.
16 Because those are criminal cases,
17 especially the Garza case, the Garza analysis
18 specifically pertains to the criminal
19 defendant's right to cross-examine witnesses in
20 a criminal case.
21 HEARING OFFICER BERLAND: Pardon me for
22 interrupting, but I feel compelled to ask.
23 Do you have any case law that
24 would indicate that the same rights would not

1 apply in a civil case with respect to bias or
2 interest or the issues that are specifically
3 raised by both Garza and also by the Allen
4 versus City of Ottawa case?
5 MS. TAMRAT: I will address the Ottawa
6 case. I just wanted to make clear that there is
7 a distinction between criminal cases because
8 there is a constitutional right under the
9 federal constitution that a criminal defendant
10 has with confronting witnesses which does not
11 apply in noncriminal cases.
12 With that being said, I
13 understand that Ottawa also provides that there
14 is -- cross examination with respect to arrests
15 may be allowed to show bias in civil cases.
16 But I just wanted to make sure I
17 mentioned for the record that there is a
18 distinction between the rights that criminal
19 defendants have and other -- respondents in
20 civil cases or defendants in criminal cases
21 have.
22 That being said, the Ottawa case
23 I would distinguish it based on the facts of the
24 case. In Ottawa the defendants were the city

1 and police officers, and the plaintiff's version
2 of events was diametrically opposed to the
3 defendant's version of events in that case.
4 And I think that's critical
5 because in this case the allegations against
6 Mr. -- Officer Askew pertain to essentially --
7 there are other charges but essentially battery
8 against civilian Jimmy Brown.
9 That was captured on video. The
10 videotape is subject to stipulation and is going
11 to be entered into evidence.
12 So the understanding is that it's
13 not disputed, that that act actually occurred,
14 the battery actually occurred. And, also, I
15 don't want to jump into the merits of the case,
16 but the evidence will also show that in
17 statements that Respondent Askew made to the
18 investigator in the case, the actual battery is
19 undisputed.
20 So that being the case there
21 isn't the need to explore bias as there was in
22 the other case because essentially --
23 HEARING OFFICER BERLAND: Are you saying
24 in a case like this the respondent has no right

1 to explore bias?
2 Is that the Superintendent's
3 position?
4 MS. TAMRAT: No, not that he doesn't have
5 any right to explore bias. Obviously Mr. Brown
6 is a victim in the case. So he of course would
7 have the bias that any ordinary victim in a
8 battery case would have. So he is entitled to
9 explore bias.
10 But I'm also saying that -- and
11 the case law specifically says the trial court,
12 the judge, in this case the hearing officer, has
13 discretion to limit the scope of cross
14 examination, and I'm making a distinction
15 between the facts of this case -- and I think
16 it's critical that the underlying conduct is
17 undisputed.
18 The videotape which captured the
19 incident has been stipulated to, and it seems to
20 me -- like I said, I don't want to jump into the
21 merits of the case because Respondent has not
22 presented his case, but it seems it's
23 undisputed.
24 And so I think that's an

<p style="text-align: right;">Page 9</p> <p>1 important distinction, and I'm asking that the 2 Hearing Officer and the Members of the Board 3 exercise the discretion with respect to limiting 4 the scope of cross examination. 5 I say that because the probative 6 value of this evidence is going to be outweighed 7 by the prejudice because Mr. Brown doesn't have 8 conviction -- 9 HEARING OFFICER BERLAND: Do you have any 10 case law that says that either the hearing 11 officer or a court should weigh, as they do with 12 felony convictions, the probative value versus 13 the prejudice? 14 MS. TAMRAT: If you could give me a 15 second. 16 HEARING OFFICER BERLAND: With respect to 17 the bias issue, not the other issues that you 18 raised in the motion in limine. 19 We'll go off the record, Terry. 20 (Whereupon discussion was 21 had off the record from 22 10:26 a.m. to 10:30 a.m.) 23 MS. TAMRAT: Okay. The case law 24 specifically does say that the scope of cross</p>	<p>1 may respond, including to the last comments made 2 by Ms. Tamrat. 3 MR. RODDY: First of all, all I would ask 4 in addition to what we said on the brief is that 5 I would cross-examine Mr. Brown as to how many 6 times he's been arrested. 7 The only specificity would be 8 that there's at least nine or ten occasions that 9 are intertwined with the same location that's 10 involved in this case. 11 HEARING OFFICER BERLAND: When you say 12 there are nine or ten, explain that to me. 13 MR. RODDY: There's nine or ten arrests by 14 the Chicago Police Department for the same 15 address involved in this case and for the same 16 activity involved in this case and for the same 17 Mr. Brown that's involved in this case. 18 HEARING OFFICER BERLAND: How old are 19 these arrests that you would propose to 20 introduce? 21 MR. RODDY: Which ones now? The 22 overall -- 23 HEARING OFFICER BERLAND: Yes. 24 MR. RODDY: -- amount of arrests?</p>
<p style="text-align: right;">Page 10</p> <p>1 examination is within the trial court's 2 discretion. 3 HEARING OFFICER BERLAND: I do understand 4 that. Do you have anything further? 5 MS. TAMRAT: I will -- I will add that the 6 case law does specifically say that even when 7 impeachment -- impeaching by showing bias, 8 interest, or motive is allowed, the evidence 9 used must give rise to the inference that the 10 witness has something to gain or lose by his 11 testimony and that the evidence used must not be 12 remote or uncertain, and this is in the Triplett 13 case, and I think this is a principle that has 14 been enunciated in other cases as well. 15 So even if you are inclined to 16 grant -- to deny the motion in limine, I still 17 believe that it would be prejudicial to allow 18 cross examination with respect to any arrest 19 that has ever occurred. 20 There should be a limit in terms 21 of at least a time limit because otherwise it 22 would be remote and uncertain and there would be 23 no showing of any bias in that case. 24 HEARING OFFICER BERLAND: Mr. Roddy, you</p>	<p style="text-align: right;">Page 12</p> <p>1 HEARING OFFICER BERLAND: Yeah. I don't 2 know how many arrests there were or over what 3 period of time they were. 4 MR. RODDY: Well, the ones that are very 5 specific to this address go back only 6 approximately two and a half to three years. 7 HEARING OFFICER BERLAND: Okay. 8 MR. RODDY: There's other arrests by the 9 Chicago Police Department that go back ten, 10 twelve years. 11 HEARING OFFICER BERLAND: Okay. Well -- 12 MR. RODDY: I don't want to get into any 13 specificity of any other arrests other than the 14 arrests concerning this particular property of 15 this particular man, but I do want one question 16 asked, how many total arrests has he had. I 17 don't want to get into any other specifics. 18 HEARING OFFICER BERLAND: Okay. I do 19 understand. 20 I've reviewed the motion in 21 limine and the answer to motion in limine. I am 22 required to follow the case law. 23 This is an administrative hearing 24 and the Board decides the case, and I am not</p>

1 going to be in a position, when the Respondent
2 has pleaded not guilty, of determining in
3 advance whether the arrests would show bias or
4 interest or whether they would not do so.

5 I do agree with Ms. Tamrat that
6 the arrests cannot be used to impeach the
7 witness as you would do with a felony conviction
8 to show alleged lack of credibility, but the
9 cases, particularly U.S. versus Garza, although
10 in that case the trial judge did not allow the
11 impeachment and the court found it to be
12 reversible error, they indicated that it should
13 have been allowed.

14 In Allen versus City of Ottawa,
15 which is an Illinois case, and the Illinois
16 courts went in a similar direction to the Garza
17 case to show that -- and there's actually a
18 comment that's quoted in Mr. Roddy's brief that
19 "the bias of a witness toward a party is always
20 pertinent because such feelings of hostility may
21 well influence the manner in which the witness
22 testifies." That's Allen versus City of Ottawa,
23 80 Ill. App. 3d 1032 1037 (2nd Dist. 1980).

24 I have considered the comments of

1 limine is denied. However, we will be objecting
2 when the testimony is being elicited.
3 HEARING OFFICER BERLAND: Of course, and I
4 think you should to protect your record. I
5 think that case law says you absolutely have to
6 do so or you may waive it.

7 So at some point I certainly
8 would not want an objection to each question,
9 but I'm sure Mr. Roddy will give you a standing
10 objection, or I assume he will. We'll deal with
11 it when it comes up, but I agree with you that
12 you do have to object in order to preserve your
13 record.

14 MS. TAMRAT: Do you have any ruling -- to
15 clarify, have you made a ruling as to how far
16 back the arrests can go?

17 HEARING OFFICER BERLAND: Mr. Roddy seemed
18 to indicate to me that he was only going to ask
19 about arrests that -- I didn't write it down --
20 that were either two and a half to three and a
21 half years old and the number of arrests.

22 Was that correct, Mr. Roddy?

23 MR. RODDY: That is correct.

24 HEARING OFFICER BERLAND: Okay. So that's

1 Ms. Tamrat that because there is a videotape
2 which apparently will be stipulated into
3 evidence that there should be no opportunity to
4 show that the witness here, who is the alleged
5 victim, Jimmy Brown, had any bias, but I am not
6 in a position before the evidence is heard to
7 determine whether or not there is any bias or
8 interest which would be relevant to the Board's
9 consideration. That would be the only factors
10 that the Board could consider this type of
11 testimony for.

12 Based on my reading of the case
13 law, I am going to deny the Superintendent's
14 motion in limine and Mr. Roddy will be allowed
15 to introduce evidence of arrests to the extent
16 he just indicated when I asked for his response
17 to Ms. Tamrat's remarks.

18 So the motion in limine is
19 denied. We will begin the hearing. Are we
20 prepared to give opening statements?

21 MS. DUNCAN: Yes.

22 MS. TAMRAT: If I may before that, because
23 it is the Superintendent's position that -- and
24 I understand your ruling that the motion in

1 what he represented, that's what he agrees, and
2 that's what I will allow.

3 MS. TAMRAT: Okay. Thank you.

4 HEARING OFFICER BERLAND: Ms. Duncan, are.
5 You going to give the opening statement?
6 MS. DUNCAN: Yes. As a preliminary
7 matter it's opening statements and then a
8 preliminary matter of stipulated to surveillance
9 CD.

10 HEARING OFFICER BERLAND: Why don't we
11 have the opening statement and then we'll go to
12 stipulations.

13

14

15 OPENING STATEMENT

16 BY MS. DUNCAN:

17 Good morning, Mr. Hearing Officer,
18 Members of the Board, counsel.

19 The Superintendent is seeking the
20 separation of Officer Bruce Askew from his
21 position as a police officer with the Chicago
22 Police Department.

23 Officer Askew is charged with
24 violating several rules contained in Article V

1 of the Rules and Regulations of the Chicago
2 Police Department, including Rules 1, 2, 9, and
3 14.
4 You will hear and see evidence
5 that on April 15, 2007, Officer Askew entered a
6 currency exchange while off duty and made
7 unjustified physical contact with Jimmy Brown in
8 that Officer Askew pushed Mr. Brown on the neck
9 and/or chest and/or shoulder area.
10 After striking Mr. Brown, Officer
11 Askew pushed newspapers that were on the window
12 ledge inside the currency exchange onto the
13 floor. This incident was captured on a
14 surveillance video.
15 Mr. Brown subsequently filed a
16 complaint against Officer Askew with the Office
17 of Professional Standards which is now
18 Independent Police Review Authority.
19 Officer Askew was notified that
20 Mr. Brown had filed a complaint against him, and
21 on April 16, 2007, Officer Askew arrested
22 Mr. Brown in retaliation for Mr. Brown filing a
23 complaint against him.
24 On June 4, 2007, Officer Askew

1 statement.
2 HEARING OFFICER BERLAND: Off the record.
3 (Whereupon discussion was
4 had off the record from
5 10:39 a.m. to 10:40 a.m.)
6 You may begin.
7 MS. DUNCAN: Before I call my first
8 witness, I would like to introduce what I have
9 marked for identification as Superintendent's
10 No. 1, the currency exchange surveillance video
11 from April 15, 2007. I ask it be admitted into
12 evidence.
13 (Superintendent's Exhibit
14 No. 1 was marked for
15 identification.)
16 There is also an agreed
17 stipulation I would like to present.
18 HEARING OFFICER BERLAND: Mr. Roddy, any
19 objection to the video?
20 MR. RODDY: No. Just, Tai, let me see
21 that. Is that the stip we signed?
22 HEARING OFFICER BERLAND: The video is 1.
23 Are you going to mark the stipulation --
24 MS. DUNCAN: Stipulation is 2.

1 gave a statement to Investigator Jessica Sanchez
2 from the Office of Professional Standards in
3 which he falsely stated that Jimmy Brown was a
4 named offender in a General Offense Case Report
5 for criminal trespass to the currency exchange
6 where Officer Askew pushed Mr. Brown on
7 April 15, 2007.
8 Through various searches
9 Investigator Sanchez was unable to locate any
10 evidence of such a case report.
11 Officer Askew mistreated a member
12 of the public, arrested that individual in
13 retaliation for filing a complaint against the
14 officer, and made a false statement during the
15 course of an official investigation.
16 Officer Askew engaged in conduct
17 that is unacceptable of police department
18 personnel, and, as such, at the end of the
19 proceedings the Superintendent will respectfully
20 request that you discharge Officer Askew.
21 Thank you.
22 HEARING OFFICER BERLAND: Mr. Roddy, are
23 you going to give an opening statement?
24 MR. RODDY: No. We'll waive opening

1 (Superintendent's Exhibit
2 No. 2 was marked for
3 identification.)
4 MR. RODDY: Let's go in reverse. I have
5 no objection to No. 2, which is the stipulation,
6 and therefore with the stipulation I would have
7 no objection to No. 1, which is the video.
8 HEARING OFFICER BERLAND: Okay. So both
9 are admitted.
10 (Superintendent's Exhibit
11 Nos. 1 and 2 were received
12 into evidence.)
13 MS. DUNCAN: Superintendent would like to
14 call Police Officer Bruce Askew as its first
15 witness.
16 HEARING OFFICER BERLAND: Swear the
17 witness, please.
18 (Witness sworn.)
19
20
21
22
23
24

1 BRUCE B. ASKEW, SR.,
2 called as a witness on behalf of the
3 Superintendent, having been first duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. DUNCAN:

7 Q. Good morning. My name is Tai Duncan.
8 I represent the Superintendent in this case.
9 Can you please state and spell
10 your name for the record?

11 A. Bruce B. Askew, Sr. That's
12 A-s-k-e-w.

13 Q. And Mr. -- Officer Askew, you are a
14 Chicago police officer, correct?

15 A. Correct.

16 Q. What is your star number and unit of
17 assignment?

18 A. My star is 9015. My unit of
19 assignment is the 7th District, Englewood.

20 Q. How many years have you been an
21 officer with the Chicago Police Department?

22 A. As of the 30th of July, it will be
23 nineteen years.

24 Q. What are your duties and

1 A. Yes, I was.
2 Q. And you entered the currency exchange
3 that morning because you saw a man named Jimmy
4 Brown inside; is that right?
5 A. That is correct.
6 Q. You saw Mr. Brown putting newspapers
7 on a window ledge inside the currency exchange?
8 A. Yes, he was.
9 Q. You walked inside the currency
10 exchange and pushed Jimmy Brown, didn't you?
11 A. Yes, I did.
12 Q. You pushed him in the chest?
13 A. The chest and the shoulder area, yes.
14 Q. And you said to him, "Get the mother
15 fucking papers out of here"?

16 A. No. I told him, "I got you."

17 Q. Isn't it true that you told Mr.

18 Brown, "The game has just begun"?

19 A. No, I did not, not at that time.

20 Q. You said to him, "Get the hell out"?

21 A. Yes, I did.

22 Q. On your way out of the currency

23 exchange that morning, you knocked the

24 newspapers that were on the window ledge onto

1 responsibilities as a Chicago police officer?
2 A. I patrol the City of Chicago, streets
3 of the City of Chicago, serve and protect and
4 enforce, I am a CAPS representative, and I aid
5 citizens when they request, and when necessary
6 and in my opinion an arrest needs to be made, I
7 will make an arrest.

8 Q. Directing your attention to
9 April 15th of 2007, what shift were you working
10 at that time?

11 A. I was working the second watch.

12 Q. What hours is the second watch?

13 A. 7 to 3.

14 Q. 7 a.m. to 3 p.m.?

15 A. That is correct.

16 Q. On April 15, 2007, you entered a
17 currency exchange near 69th and Ashland in the
18 morning, didn't you?

19 A. Yes, I did.

20 Q. You entered approximately 6:30 a.m.;
21 is that right?

22 A. That is correct.

23 Q. At the time when you entered the
24 currency exchange, you were on your way to work?

1 the floor, didn't you?
2 A. Yes, I did.
3 Q. At the time you entered the currency
4 exchange, you weren't yet on duty?

5 A. That is correct.

6 Q. Were you wearing your uniform at the
7 time you pushed Mr. Brown?

8 A. No. I was wearing my uniform pants,
9 and I had my hoodie on.

10 Q. You were wearing a gray hooded
11 sweatshirt; is that right?

12 A. Yes.

13 Q. With Mickey Mouse in the front?

14 A. Yes.

15 Q. Your badge wasn't visible at that
16 time, was it?

17 A. No, it wasn't.

18 Q. When you confronted Mr. Brown at the
19 currency exchange that morning, you didn't

20 arrest him, did you?

21 A. No, I did not.

22 Q. You didn't write him a ticket?

23 A. No, I did not.

24 Q. You didn't formally document your

1 interaction with Mr. Brown?
2 A. No, I did not.
3 Q. At some point on April 15th you were
4 notified that there was a complaint that was
5 filed against you; is that right?
6 A. Yes, I was.
7 Q. And you were aware that the complaint
8 involved an incident at the currency exchange?
9 A. Yes.
10 Q. Now, drawing your attention to
11 April 16, 2007, on that day you arrested Jimmy
12 Brown and his employer, Henry Saffold; isn't
13 that right?
14 A. Yes, I did.
15 Q. You arrested them at the currency
16 exchange at 69th and Ashland?
17 A. Yes, I did.
18 Q. Isn't it true that you arrested Jimmy
19 Brown because he filed a complaint against you
20 with the Office of Professional Standards?
21 A. No, it is not.
22 Q. Officer Askew, isn't it true that on
23 June 4, 2007, you gave a statement to the Office
24 of Professional Standards?

1 A. Yes, she did.
2 Q. And make any changes you needed to?
3 A. Yes, she did.
4 Q. And you signed off on your statement?
5 A. I signed off on my statement.
6 Q. And you initialed the bottom of every
7 page?
8 A. Yes, I did.
9 Q. Okay. So during that statement on
10 June 4, 2007, Investigator Sanchez asked you why
11 did you -- Investigator Sanchez asked you, "On
12 April 16, '07, you arrested Jimmy Brown. Is
13 that correct?"
14 A. Yes.
15 Q. Your answer was "Yes," right?
16 A. (Nodding.)
17 HEARING OFFICER BERLAND: You're shaking
18 your head.
19 THE WITNESS: Yes.
20 MR. RODDY: You have to say.
21 MS. DUNCAN: Q. The next question she
22 asked you was, "Why did you arrest him?" and
23 your answer was, "Because I observed Brown take
24 U.S. currency from unknown person. Brown gave

1 A. Yes, I did.
2 Q. And the statement was given at
3 approximately -- it was given at the Office of
4 Professional Standards at Ten West 35th Street;
5 is that right?
6 A. Yes.
7 Q. And the investigator who took your
8 statement was Investigator Jessica Sanchez; is
9 that right?
10 A. Correct.
11 Q. And you had an opportunity to have an
12 attorney present?
13 A. I had an opportunity, but I did not
14 have one.
15 Q. Okay. So you chose not to have an
16 attorney present?
17 A. I chose not to have an attorney
18 present.
19 Q. And when you were finished making
20 your statement, the investigator showed you your
21 statement, didn't she?
22 A. Yes, she did.
23 Q. She gave you an opportunity to review
24 it?

1 the money" -- "Saffold in turn gave Brown a
2 cigarette, and Brown gave a pack of cigarettes
3 to the unknown person."
4 Investigator Sanchez then asked
5 you, "Did you arrest Brown April 16, '07,
6 because he filed a complaint against you?" Your
7 answer was, "No. I arrested him because he
8 cheated and bent the rules of the game."
9 Is that correct?
10 A. That is correct.
11 Q. Investigator Sanchez then asked you,
12 "Please explain what you mean by 'he cheated and
13 bent the rules of the game.'"
14 Your answer was, "Because he
15 filed a complaint with OPS, and now I'm not
16 going to cut him a break when he commits a
17 crime. I have to go by the books and arrest
18 him."
19 Is that right?
20 A. That is correct.
21 Q. So you arrested Mr. Brown because he
22 cheated and bent the rules of the game; is that
23 right?
24 A. I arrested Mr. Brown because he broke

1 the law.
2 Q. In your statement on June 4th of
3 2007, isn't it correct that you told
4 Investigator Sanchez you arrested him because he
5 cheated and bent the rules of the game?
6 A. That's on the statement, "he bent the
7 rules of the game," yes.
8 Q. Isn't it true that you told
9 Investigator Sanchez that Jimmy Brown and Henry
10 Saffold were named offenders in a 2007 case
11 report for criminal trespassing of the currency
12 exchange?
13 A. Yes, I did.
14 Q. Now, I am showing you what I have
15 marked as Superintendent's Exhibit No. 3.
16 (Superintendent's Exhibit
17 No. 3 was marked for
18 identification.)
19 I hand a copy to counsel. Can
20 you please review this and let me know if this
21 is the statement -- a copy of the statement that
22 you gave to Investigator Sanchez on June 4,
23 2007?
24 HEARING OFFICER BERLAND: We'll go off the

1 A. I saw Mr. Brown later on the 15th,
2 him and Mr. Saffold.
3 Q. At that time you said the words to
4 him, "The game has just begun"?

5 A. Yes, I did.
6 HEARING OFFICER BERLAND: Is that going to
7 take a while, Ms. Duncan?
8 MS. DUNCAN: No, it shouldn't.
9 Q. Officer Askew, can you see
10 the screen here?
11 A. Yes, I can.
12 Q. Now, I'm going to show you what has
13 previously been admitted into evidence as
14 Superintendent's No. 1, the surveillance video.
15 I am going to play this video,
16 and I would like you to point out to me -- to
17 tell us when you see yourself on the video, when
18 you see yourself appear in the video. The video
19 is starting at 6:33:44 a.m.
20 A. That's me right there, the Mickey
21 Mouse sweater on.
22 Q. For the record Officer Askew
23 identified himself at approximately 6:34:03 a.m.
24 on the video as wearing a gray, hooded Mickey

1 record until he reviews it, and when you're
2 done, Mr. Askew, please advise.
3 (Whereupon discussion was
4 had off the record from
5 10:50 a.m. to 10:51 a.m.)
6 A. This is my statement.
7 MS. DUNCAN: Q. And the signature on the
8 last page, that's your signature?
9 A. That is my signature.
10 MS. DUNCAN: Okay. At this time we move
11 to admit Superintendent's No. 3 into evidence.
12 HEARING OFFICER BERLAND: Any objection?
13 MR. RODDY: None.
14 HEARING OFFICER BERLAND: Admitted.
15 (Superintendent's Exhibit
16 No. 3 was received into
17 evidence.)
18 MS. DUNCAN: Q. You previously gave
19 testimony when I asked you isn't it true that
20 you told Brown, "The game has just begun," you
21 said, "No, not at that time"; is that right?
22 A. Not at that time.
23 Q. So at what time did you say, "The
24 game has just begun," to Mr. Brown?

1 Mouse sweatshirt.
2 Now, this video at this point is
3 depicting you walking into the currency
4 exchange; is that right?
5 A. That is correct.
6 Q. Okay. And at this time, 6:34:05, did
7 the video depict you pushing Mr. Brown?
8 A. Yes, it does.
9 Q. Okay. Now, at 6:34:12 is that you
10 pushing the newspapers onto the floor?
11 A. Yes, it does.
12 Q. Now, at 6:34:16 is that you pointing
13 your finger?
14 A. Yes.
15 Q. Does the video depict you moving your
16 mouth as if you're saying something?
17 A. Yes.
18 Q. To whom were you speaking at that
19 time?
20 A. Jimmy Brown.
21 Q. And now at 6:34:21 the video shows
22 you leaving the currency exchange?
23 A. That is correct.
24 MS. DUNCAN: Okay. Thank you. I have no

1 further questions at this time.
2 HEARING OFFICER BERLAND: Anything on
3 direct?
4 MR. RODDY: I have none at this time.
5 HEARING OFFICER BERLAND: Okay. We'll
6 excuse the witness. Off the record, please.
7 (Whereupon discussion was
8 had off the record from
9 10:55 a.m. to 10:59 a.m.)
10 Swear the next witness, please.
11 (Witness sworn.)
12
13

14 JIMMY EDWARD BROWN,
15 called as a witness on behalf of the
16 Superintendent, having been first duly sworn,
17 was examined and testified as follows:
18 DIRECT EXAMINATION
19 BY MS. TAMRAT:
20 Q. Good morning, Mr. Brown. If you
21 could please state your full name for the
22 record.
23 A. Jimmy Edward Brown.
24 Q. And, Mr. Brown, how old are you?

1 with?
2 A. Saffold, me and Mr. Saffold. We call
3 him Henry.
4 Q. Henry Saffold?
5 A. Yeah.
6 Q. Prior to selling newspapers, what did
7 you do?
8 A. What do you mean?
9 Q. What was your work before that?
10 A. Oh, my work before that? Well, I
11 worked on one job. I had a job. I work
12 nineteen years, press operator.
13 Q. Is it press operator?
14 A. Yeah, press operator, stockyards.
15 Q. I'm sorry?
16 A. Stockyards.
17 Q. Okay. For nineteen years, you said?
18 A. Yeah.
19 Q. And what else have you done?
20 A. Well, I had my own business.
21 Q. You had your own business?
22 A. Yeah.
23 Q. What type of business was that?
24 A. I had a tire company.

1 A. I'm forty-nine -- I mean, I'm
2 sixty-seven -- fifty-nine.
3 Q. Fifty-nine?
4 A. Yeah.
5 Q. Thank you.
6 And you live in Chicago, sir?
7 A. Yes, I do.
8 Q. Okay. What neighborhood is that?
9 A. Well, now it's 220 East 55th Street.
10 Q. And, Mr. Brown, what do you currently
11 do for a living?
12 A. Now?
13 Q. Right now.
14 A. Oh, I'm drawing my disability.
15 MR. RODDY: I'm sorry. I didn't hear.
16 THE WITNESS: Drawing my disability.
17 MS. TAMRAT: Q. What did you do before
18 that?
19 A. Working at a paper stand.
20 Q. Paper stand.
21 Does that mean you were selling
22 newspapers?
23 A. Selling newspapers, yeah.
24 Q. And who were you selling newspapers

1 Q. Tire?
2 A. Yeah, tire company.
3 Q. Now, Mr. Brown, I am going to direct
4 your attention to April 15th of 2007 at around
5 6:30 p.m.
6 Now, at that time were you at a
7 currency exchange?
8 A. In the currency exchange.
9 Q. Around 6:30 a.m.?
10 A. Yeah.
11 HEARING OFFICER BERLAND: A.m., correct.
12 MS. TAMRAT: I'm sorry. A.m. I misspoke.
13 I said "p.m."
14 HEARING OFFICER BERLAND: Okay.
15 MS. TAMRAT: Q. You were in a currency
16 exchange?
17 A. Right.
18 Q. And is that located at 6858 South
19 Ashland?
20 A. Right. Right.
21 Q. And what were you doing in the
22 currency exchange at the time?
23 A. I was in there -- we brought the
24 newspapers in there. We pick them up about 5:30

1 in the morning. I generally pick them up, and I
2 was in there putting the inserts into the
3 papers, getting the papers ready.
4 Q. Getting the papers ready, and that is
5 to sell newspapers?
6 A. Right, sell papers.
7 Q. And I'm sorry. What time did you say
8 the newspapers arrived?
9 A. They arrived about 5:30.
10 Q. About 5:30.
11 And who accepted the newspapers
12 when they were delivered?
13 A. I did. I did.
14 Q. You did.
15 And so did you -- what did you do
16 in the currency exchange once you accepted
17 delivery of the newspapers?
18 A. Well, we sell paper.
19 Q. Okay. You sell the paper then?
20 A. In the currency exchange.
21 Q. I'm sorry. In the currency exchange?
22 A. Right.
23 Q. And did you have permission from the
24 currency exchange --

1 A. Right.
2 Q. -- to do that?
3 A. Right, we did.
4 Q. And so back in April of 2007 you had
5 permission from the currency exchange?
6 A. Right.
7 Q. And who would buy newspapers from
8 you?
9 A. Customers.
10 Q. Customers.
11 How about anyone from the
12 currency exchange?
13 A. Well, we generally give -- this lady
14 named Sharon, we generally give her papers free.
15 Q. You would give them papers?
16 A. Right. Free.
17 Q. To persons at the currency exchange?
18 A. Right.
19 Q. What newspapers did you sell?
20 A. Sun Times.
21 Q. Now, on April 15th of 2007 at 63 --
22 at approximately 6:30 a.m., what, if anything,
23 happened at the currency exchange?
24 A. This guy, person named Bruce, when I

1 was putting the inserts into the papers, had the
2 papers ready, he come in there like a raging
3 bull. I didn't even recognize him. He had a
4 hood on, you know.
5 Q. You came in. What happened?
6 A. Yeah, he just race on in there and
7 struck me.
8 Q. He struck you?
9 A. And took all the papers and throwed
10 them on the floor.
11 Q. You said he struck you?
12 A. Yeah, he struck me. He ran back -- I
13 didn't know who he was. He had a hood on. I
14 thought he was a stick-up man.
15 Q. I'm sorry?
16 A. I thought he was a stick-up man.
17 Q. You thought he was a stick-up man?
18 A. Right.
19 Q. So what do you mean you thought he
20 was a stick-up man?
21 A. I thought he was going to rob the
22 paper stand, going to take the papers, with a
23 hood on, you know.
24 I didn't recognize who he was

1 until he hit me. Hit me right in my throat.
2 Would have hit me in my head. I had an
3 aneurysm.
4 Q. I'm sorry?
5 A. An aneurysm. Here.
6 Q. Okay. And he hit you -- where
7 exactly did he hit you?
8 A. Right in around there.
9 Q. Your neck?
10 A. Right, and took all the papers and
11 just throw them on the floor like a raging bull.
12 Q. And you said you have an aneurysm
13 in --
14 A. Aneurysm.
15 Q. You have an injury on your head?
16 A. Yeah, an injury. I had a brain
17 operation.
18 Q. And did he hit you there, or --
19 A. Well, he hit me toward that. See, I
20 flung my head back.
21 Q. Okay.
22 A. Caught me up in here.
23 HEARING OFFICER BERLAND: Pointing to the
24 upper left --

1 THE WITNESS: Right.
2 HEARING OFFICER BERLAND: Upper left-hand
3 side --
4 THE WITNESS: Yeah.
5 HEARING OFFICER BERLAND: -- of the neck.
6 MS. TAMRAT: Let the record reflect --
7 HEARING OFFICER BERLAND: Pardon me. I
8 said "right side." It's Mr. Askew -- Mr.
9 Brown's left side.
10 THE WITNESS: Yeah, left.
11 MS. TAMRAT: Let the record also reflect
12 that he was pointing to the left side of his --
13 the top of his head showing where he had brain
14 surgery.
15 HEARING OFFICER BERLAND: He did so point.
16 MS. TAMRAT: Q. Now, you mentioned that
17 you almost -- you didn't recognize him at first.
18 A. No. He had a hood on.
19 Q. You said he had a hood on, but --
20 A. He had gray -- he had a gray -- a
21 gray sweatsuit.
22 Q. He had a gray sweatsuit on?
23 A. With his hood covering the face.
24 Q. That means you knew him before that

1 Q. Okay. You remember giving a
2 statement to her?
3 A. Yeah. Me and Mr. Henry, we both went
4 down to her office.
5 Q. You went to her office?
6 A. And filed a complaint on him.
7 Q. Okay.
8 A. He acted like it was a joke.
9 Q. I'm sorry?
10 A. He had acted like it was a joke.
11 MR. RODDY: I would ask that that be
12 stricken. There is no question pending.
13 HEARING OFFICER BERLAND: There is no
14 question pending. I'll strike that.
15 Ask your next question.
16 MS. TAMRAT: Q. Did Investigator Sanchez
17 show you the statement that she had typed up?
18 Do you remember that?
19 A. Yeah, I think she did.
20 Q. Marking this document as
21 Superintendent's Exhibit No. 3?
22 HEARING OFFICER BERLAND: 4.
23
24

1 date?
2 A. I didn't know -- I didn't know until
3 he came up in there after he hit me. I didn't
4 know who he was.
5 Q. But you know him from before?
6 A. Right. Right.
7 Q. And how do you know him as -- who do
8 you know him as?
9 A. As Officer Bruce.
10 Q. What, if anything, did Officer Bruce
11 say --
12 A. He didn't --
13 Q. -- when he came in the door?
14 A. He used some phrase about, "You
15 haven't seen nothing yet," something like that.
16 "You haven't seen nothing yet," something like
17 that.
18 I can't recall that. See, I have
19 a memory loss. Some phrase he used, "Haven't
20 seen nothing yet," something like that.
21 Q. Did you give a statement, Mr. Brown?
22 A. Yes. Ms. Sanchez, I think.
23 Q. Investigator Sanchez?
24 A. Right.

1 (Superintendent's Exhibit
2 No. 4 was marked for
3 identification.)
4 MS. TAMRAT: And this is the OPS statement
5 that Mr. Brown gave to Investigator Sanchez.
6 I'm handing a copy of Superintendent's Exhibit
7 No. 4 to Mr. Roddy. Handing a copy of
8 Superintendent's Exhibit No. 4 to the witness.
9 Q. Now, Mr. Brown, you testified
10 that you didn't remember exactly what Officer
11 Askew said.
12 So can you take a look at this
13 document, and does this refresh your
14 recollection as to exactly what he said?
15 A. Yeah. "You ain't seen nothing yet."
16 Yeah, "You haven't seen nothing yet," something
17 like that.
18 Q. Did he --
19 A. Yeah. "The game just begun."
20 Q. I'm sorry?
21 A. You know, maybe --
22 Q. "The game has just begun"?
23 A. Yes. Yes. He put out in the
24 neighborhood that he's going to get me. I told

1 him, "I'm not scared."
2 Q. Did he say anything about the papers,
3 sir?
4 A. Just throwed them on the floor. Just
5 took all the papers and just flung them on the
6 floor.
7 Q. Did Officer Askew say anything about
8 the papers to you that you remember?
9 A. I don't remember. I can't remember.
10 Q. If you can take a look at the first
11 paragraph of -- the last line in the first
12 paragraph.
13 Does that refresh your
14 recollection as to what he said?
15 A. Oh, "Get them mother fucking papers
16 out of here," yeah.
17 Q. Okay. And what was that --
18 MR. RODDY: Why don't she just read him
19 the statement in. It's so improper what's going
20 on here.
21 HEARING OFFICER BERLAND: The proper way
22 to do it is to have him review it, then put the
23 statement down, and ask him if it refreshes his
24 recollection. If so, he can testify.

1 A. He then went -- after he did it, left
2 on back out of there. Left out the door.
3 Q. I'm sorry?
4 A. Left back out the door.
5 Q. He left?
6 A. Then got in his car.
7 Q. And then --
8 A. That's when Mr. Henry Saffold called
9 the sergeant, and the sergeant come out there.
10 Q. And where was Mr. Saffold at that
11 time?
12 A. He was up in the paper stand. He had
13 come in there because he seen he had hit me.
14 Q. After he hit you?
15 A. Yeah. He came when he hit me. There
16 was another guy there, too, but I can't
17 recollect his name. I can't call it --
18 HEARING OFFICER BERLAND: Okay. Let's ask
19 the next question, please.
20 MS. TAMRAT: Q. Mr. Brown, you testified
21 that one of the things that Officer Askew said
22 was, "The game has just begun"?
23 A. "The game has just begun."
24 Q. Are you familiar with that

1 But Mr. Roddy is correct. It is
2 not the customary way to have the witness read
3 from the statement. So --
4 MS. TAMRAT: Q. Mr. Brown, I will ask you
5 to review the statement, and then I will take it
6 back and I'll ask you if your recollection is
7 refreshed.
8 A. Yeah. Okay.
9 Q. Take a moment to read the statement,
10 please, and you can tell me when you're done
11 reviewing it.
12 A. I'm done. Yes.
13 Q. I can take the exhibit back.
14 (Document tendered.)
15 Thank you. Does Superintendent's
16 Exhibit 4 refresh your recollection as to the
17 words Officer Askew used?
18 A. Yeah.
19 Q. And what words did he use?
20 A. "Get them mother fucking papers out
21 of here," in somebody else's house.
22 Q. So once Officer Askew hit you and
23 threw the newspapers on the floor, what happened
24 subsequently?

1 expression?
2 A. Yeah.
3 Q. What does it mean?
4 A. It means understand -- you know --
5 well, in the neighborhood -- he had -- he had --
6 start messing with me.
7 Q. Start messing with you?
8 A. Yeah. He ain't through messing with
9 me. He not through messing with me.
10 Q. And what was Officer Askew's demeanor
11 when he walked in the currency exchange?
12 A. Well --
13 Q. His tone of voice or --
14 A. Just walked in there, you understand,
15 and throwed them papers on the floor like a
16 raging bull.
17 Q. You said a raging bull?
18 A. Like a crazy -- like a crazy person.
19 Like a stick-up person is going to stick you up.
20 Q. Did you -- you said that Mr. Saffold
21 called the sergeant?
22 A. Yeah, he called the sergeant.
23 Q. And did anybody arrive at the
24 currency exchange?

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<p>1 A. Yeah, some sergeant arrived. He 2 wanted to take me to the hospital, but I 3 refused. I went there later on that evening. 4 Q. Okay. So the sergeant -- 5 A. He went in the back. 6 Q. -- spoke to you? 7 A. The sergeant went in the back and 8 viewed them films. 9 Q. I'm sorry? 10 A. See, they got a -- as you walk in the 11 door, they got cameras in there. 12 Q. Okay. 13 A. So the sergeant went in the back. 14 Sergeant called me back there to review them 15 films. When he looked at them, he knows they're 16 wrong. His sergeant. 17 Q. His sergeant? 18 A. Yes. 19 Q. And did he speak to you about what 20 happened? 21 A. No. He offered to take me to the 22 hospital -- 23 Q. And did you go? 24 A. -- and I refused. I told him, "I go</p>	<p>1 Q. And did he arrest you, or was there 2 anybody else that was arrested with you? 3 A. Me and Mr. Saffold. 4 Q. Mr. Brown, I am going to show you the 5 video capturing the incident on April 15th of 6 2007, and I will ask you questions about it. 7 So, Mr. Brown, if you could 8 please take a look. 9 Do you recognize what is depicted 10 on the screen right now -- 11 A. That's me there. 12 Q. -- at 6:34:02 a.m.? 13 A. There he come in now. 14 Q. Who is this on the video now? 15 A. Bruce Askew. 16 Q. That's Bruce Askew? 17 A. Right. That was the witness. 18 Q. Who is that now pushing the 19 newspapers on the floor? 20 A. Bruce. 21 Q. What is he saying now on the screen 22 6:34 -- 23 A. He told me, "The game's just begun." 24 Q. And was this an accurate depiction of</p>	
<p>1 on my own." 2 Q. And did you go on your own? 3 A. I went on my own, Holy Cross 4 Hospital. I didn't trust that sergeant. 5 Q. And what did you feel that caused you 6 to go to the hospital? 7 A. Well, like I said, I had an operation 8 on this side, when he hit me on this side. That 9 jarred my -- see, I had a brain operation. That 10 jarred my brain. Put it like that. 11 Q. And what -- did that cause you pain? 12 A. Yeah, it caused me pain. This side 13 of my head can't be touched, you know. I had a 14 serious operation, a serious operation. It 15 can't be touched. Somebody hit me on the 16 head -- 17 HEARING OFFICER BERLAND: Okay. Please 18 ask the next question, all right? 19 MS. TAMRAT: Q. Now, the day that Officer 20 Askew pushed you on April 15th of 2007, he 21 didn't arrest you at that time? 22 A. Arrest the next day. 23 Q. He arrested you the next day? 24 A. Yeah, the next day.</p>	<p>1 what happened on April 15th of 2007? 2 A. Right. Right. That's what 3 brought -- that's what made me start thinking. 4 That's been two years ago. 5 Q. Who is this right now walking in the 6 door? 7 A. That's Henry. 8 Q. And at 6:34:44 who is the other 9 person standing with his back to the camera? 10 A. That is me. 11 Q. That is you? 12 A. Right. 13 Q. And what is Mr. Saffold saying? 14 A. He says -- asked me what did he do 15 that for. 16 Q. Is he asking about the newspapers? 17 A. Right. All the papers on the floor. 18 He threw all them papers and throwed them on the 19 floor, inserts and all. 20 MS. TAMRAT: I have nothing further. 21 22 23 24</p>	Page 52

1 CROSS EXAMINATION

2 BY MR. RODDY:

3 Q. You were arrested on April 16th,
4 correct, you and Mr. Saffold?

5 A. Right.

6 Q. And what were you arrested for?

7 HEARING OFFICER BERLAND: Can we let him
8 put the microphone back on?

9 MR. RODDY: Oh, I'm sorry. I didn't know
10 he took it off.

11 HEARING OFFICER BERLAND: Yeah. He took
12 it off.

13 THE WITNESS: Okay.

14 MR. RODDY: Q. You were arrested on
15 April 16th, correct?

16 A. Right.

17 Q. With who?

18 A. Henry Saffold.

19 Q. For what?

20 A. Well, he had -- I had one

21 cigarette -- I had one cigarette in my pack, and
22 I smoke. They got some cigarettes out there --
23 if I can remember, they got some cigarettes out
24 there at the paper stand.

1 out.

2 Wait a minute. Wait a minute.

3 Did they throw it out, or I plead guilty? I
4 can't call back no two years ago.

5 Q. Well, let me see if I can refresh --

6 A. Refresh my mind.

7 Q. Didn't you go before Judge Bourgeois
8 on June 7, 2007, and weren't you found guilty
9 and given three months' supervision?

10 A. Okay. Yeah.

11 Q. Okay. And didn't Mr. --

12 A. Because Mr. -- he pled guilty.

13 Q. Saffold pled guilty?

14 A. Yeah, and I pled not guilty.

15 Q. But you were found guilty?

16 A. Right, because he pled guilty. When
17 he --

18 Q. But you were found guilty?

19 A. I was found guilty. Right. Right.

20 Now my mind coming back.

21 Q. All right. Now, let's talk about you
22 knowing -- how long have you known Mr. Askew
23 before April 17th -- strike that -- April 15th?

24 I'm sorry.

1 Q. What were you arrested for, sir?

2 A. For having a cigarette, one cigarette
3 in my pack.

4 Q. Well, it was more than that? Mr.
5 Saffold --

6 A. No. No. It wasn't more than that.
7 I said me. I didn't say Mr. Saffold.

8 Q. Weren't you and Mr. Saffold arrested
9 for selling cigarettes --

10 A. I have -- what do you mean --

11 HEARING OFFICER BERLAND: You have to let
12 him finish the question.

13 THE WITNESS: Go ahead.

14 MR. RODDY: Q. Weren't you and Mr.
15 Saffold arrested for selling cigarettes without
16 a license to passers-by?

17 A. If I can't recollect --

18 Q. Pardon?

19 A. Mr. Saffold was arrested. I had one
20 cigarette in my -- in my --

21 Q. Were you arrested?

22 A. Yeah, I was arrested.

23 Q. What happened in court?

24 A. They throwed it out. They throwed it

1 A. Oh, in that neighborhood we had a

2 couple incidents. He stop me for cigarettes.

3 Q. How many times would you say he had
4 stopped you for allegedly selling cigarettes?

5 MS. TAMRAT: Objection.

6 HEARING OFFICER BERLAND: This relates to
7 the issue --

8 MS. TAMRAT: The motion in limine.

9 HEARING OFFICER BERLAND: Yes, the
10 objection will be overruled, and Mr. Roddy will
11 be allowed to proceed in accordance with my
12 ruling.

13 MR. RODDY: Q. Well, you also indicated
14 you didn't recognize him --

15 A. Right.

16 Q. -- on the tape, right?

17 A. With a hood on.

18 Q. But how many times had you come in
19 contact with Mr. Askew prior to April 15th?

20 A. About -- about ten times.

21 Q. At least ten times, right?

22 A. Yeah, at least ten times.

23 MS. TAMRAT: If I may make a standing
24 objection to this line of questioning so I don't

1 interrupt the questions.
2 HEARING OFFICER BERLAND: Do you have any
3 objection?
4 MR. RODDY: No, I have no objection.
5 MS. TAMRAT: I have a standing objection
6 based on the motion in limine.
7 HEARING OFFICER BERLAND: Yes, with
8 respect to any questions relating to arrests.
9 MR. RODDY: Q. And he basically gave you
10 a pass on those ten occasions, didn't he?
11 A. No. Harass me.
12 Q. Did he ever arrest you?
13 A. I said, "Harass me."
14 Q. Did he ever arrest you?
15 A. I can't recall it.
16 Q. Isn't it true that all he did was
17 make field contact cards and give you tickets?
18 Didn't he give you tickets?
19 A. No, not him, not Bruce.
20 Q. Well, he never --
21 A. Bruce never give me no tickets.
22 Q. Okay.
23 A. This officer named Kraus. They just
24 started recently giving tickets out.

1 beyond that. This is asking about just --
2 HEARING OFFICER BERLAND: Right. I don't
3 think the case law allows you to go into whether
4 he was convicted or not. Convictions are
5 usually admissible only for felonies, and then
6 under the --
7 MR. RODDY: Q. Okay. All right. Do you
8 remember him giving you a ticket on February,
9 the 4th, of '07 for selling cigarettes without a
10 factory stamp on it?
11 A. Without a factory stamp?
12 Q. Yeah.
13 A. No, I don't -- I bought them from the
14 Arab.
15 Q. Did you ever buy cigarettes in
16 Illinois and sell them to people or just go to
17 Indiana?
18 A. All right. Let me phrase it again.
19 I don't buy no cigarettes. I buy cigarettes
20 from the Arabs. They got Arabs still there. I
21 buy cigarettes from them.
22 Q. Okay.
23 A. And selling cigarettes, I can give
24 anybody a cigarette.

1 Q. Do you remember getting a ticket by
2 Bruce Askew on October 6, 2006, for selling
3 cigarettes?
4 A. Not for selling cigarettes. For
5 having cigarettes. Selling and having is two
6 different things.
7 Q. All right. Are you -- Okay. And --
8 A. Having cigarettes. Like I can't have
9 cigarettes. I smoke.
10 Q. The ticket was for selling cigarettes
11 without a license, was it not?
12 A. Can I refresh -- can I say it again?
13 For having cigarettes, not selling. He never
14 caught me selling no cigarettes. I smoke.
15 Q. So he just gave you a ticket for
16 smoking a cigarette?
17 A. Just harassing me.
18 Q. What happened? Did you go to 400
19 West Superior?
20 A. No. I didn't go to no court.
21 MS. TAMRAT: Objection.
22 THE WITNESS: Bingo.
23 MS. TAMRAT: I think you allowed
24 questioning about arrests and not anything

1 Q. Okay. Do you ever -- remember being
2 stopped -- strike that.
3 Do you remember receiving a
4 ticket from Officer Askew on June, the 8th,
5 2007, for selling cigarettes without a proper
6 factory label on them?
7 A. Okay. You still -- can I -- you
8 still saying "selling." All right? I'm not
9 selling cigarettes. I can give you a cigarette.
10 Q. Maybe I'm inarticulate, but do you
11 remember having in your possession any
12 cigarettes without the proper State of Illinois
13 label on it?
14 A. Okay. Now I'm going to say this
15 again. If I buy cigarettes from the store, I
16 don't know what they got on that seal. I don't
17 know what -- I don't read no seal. I don't read
18 seals.
19 When I buy me some liquor, I go
20 in the store and buy liquor. I don't read
21 liquor. I drink it. You're saying a seal.
22 Q. Do you remember on January 20, '07,
23 at 9:00 in the morning him coming to you at
24 68 -- the same address?

1 You're always at 6858 Ashland --
2 A. No, I am not always there. See, I'm
3 known in that neighborhood.
4 Q. Do you remember him coming to you and
5 talking to you about staying at the exchange
6 without the exchange's permission and selling
7 loose cigarettes?
8 A. You're asking --
9 MS. TAMRAT: I'm sorry. If I may ask,
10 what date is that?
11 MR. RODDY: January 20, '07.
12 THE WITNESS: We had permission in that
13 currency exchange. We wouldn't have the papers
14 in there if we didn't have permission. We
15 wouldn't have the papers.
16 MR. RODDY: Q. Just yes or no.
17 Do you remember him going to see
18 you on January 25th about loitering at the
19 currency exchange?
20 A. Now you say "loitering." Okay. Can
21 I --
22 Q. Just yes or no.
23 A. No.
24 Q. Okay.

1 A. No, I don't know the manager.
2 Q. Okay. Did the manager ever tell you
3 he didn't want you in the store?
4 A. Not as I know of.
5 Q. And did the manager ever tell you he
6 didn't want you selling cigarettes that you got
7 in Indiana and you were selling?
8 A. Okay. Now I'll state again. I
9 bought some cigarettes from the Arab.
10 Q. Okay. Do you sell cigarettes,
11 though?
12 A. I smoke.
13 Q. Do you sell cigarettes?
14 A. I smoke. No, I don't.
15 Q. You don't sell an individual
16 cigarette out in the hood?
17 A. I give you a cigarette. I don't sell
18 cigarettes.
19 Q. Okay.
20 A. I give cigarettes away. I don't sell
21 cigarettes. If you give me something for them,
22 that's you. I don't sell cigarettes.
23 Q. By the way, when did you go for
24 medical treatment?

1 A. I wasn't loitering.
2 Q. Do you remember him coming to you for
3 loitering at the currency exchange on January
4 26th?
5 A. No. I wasn't loitering.
6 Q. And finally on March 11, 2007?
7 A. No. I wasn't loitering.
8 Q. Did you know the manager of the
9 currency exchange?
10 A. Yes, I did.
11 Q. And his name was Gary VandeHeuvel --
12 A. He's never there.
13 Q. Can I just finish the question? You
14 might even get out of here if you let me finish
15 the question.
16 Do you remember an individual by
17 the name of Gary VandenHeuvel, V-a-n-d-e-n-
18 H-e-u-v-e-l?
19 A. No. I know we in the stand -- okay.
20 When we selling papers, we selling papers at
21 night and early in the morning. The lady that
22 work there, her name is Sharon.
23 Q. I just asked a simple question.
24 Do you know the manager?

1 A. I went -- I went the next day. Holy
2 Cross Hospital.
3 Q. Isn't it true that you didn't go
4 until April 19th?
5 A. I don't believe -- I got all kind of
6 ailments. I went the next day for him hitting
7 me. I went for -- or it could have been -- I
8 take Dilantin pills. It could have been my
9 Dilantin pills.
10 Q. Didn't you go April 19th about 11:00
11 at night and your main complaint was -- and I
12 want to read this for you.
13 A. Go ahead.
14 Q. (Continuing) -- was that, "I want
15 my feet cut off because they hurt so bad from
16 the Dilantin"?
17 Do you remember telling them
18 that?
19 A. They put the wrong IV in my feet, and
20 my feet swell up.
21 Q. I'm just asking.
22 Do you remember telling the
23 people at Holy Cross Hospital --
24 A. I don't know what I told them people.

<p>Page 65</p> <p>1 Q. Did you ever say that to a nurse, 2 though, that -- 3 MS. TAMRAT: Objection. Trying to 4 cross-examine on a collateral matter. 5 HEARING OFFICER BERLAND: Well, I am going 6 to allow the cross examination. He said that he 7 went regarding this incident, and he apparently 8 said something different than related to this 9 incident. So Mr. Roddy has a right to put it 10 into the record. 11 Mr. Brown, please let Mr. Roddy 12 finish his question and just answer his 13 questions. 14 THE WITNESS: Okay. 15 MR. RODDY: Q. Are you on Dilantin and 16 Aprosin or something like that, some other 17 medicine? 18 A. I'm on low-level blood pressure pill. 19 I'm on low level -- 20 Q. Did you tell them on April, the 19th, 21 at about 11:00 at night, "I need my feet cut off 22 because they hurt so bad from Dilantin"? 23 MS. TAMRAT: Objection. Reading the 24 witness's medical information into the record.</p>	<p>Page 67</p> <p>1 or selling cigarettes? 2 A. I couldn't say. 3 Q. Pardon? 4 A. I couldn't tell you. 5 Q. Well, more than five? 6 A. About five, something like that. 7 Q. If I refresh you, could it be 8 April 28th; May 16, '07; July 1, '07; July 4, 9 '07; August 20, '07; 2/24/08; 12/12/08; and 10 3/4/09? 11 A. (Inaudible.) 12 Q. Even this year you're still at that 13 location, right? 14 HEARING OFFICER BERLAND: He didn't answer 15 your question, Mr. Roddy. 16 MR. RODDY: Q. Okay. Do you remember all 17 those dates? 18 A. No, I don't. 19 Q. Could it be possible that it would be 20 seven or eight dates? 21 A. No. 22 Q. Well, how about the most recent one? 23 March of '09 were you arrested 24 for selling cigarettes at that location?</p>
<p>Page 66</p> <p>1 It's a collateral matter. 2 HEARING OFFICER BERLAND: It's cross 3 examination. 4 MS. TAMRAT: On a collateral issue? 5 HEARING OFFICER BERLAND: It's overruled. 6 He can answer. 7 MR. RODDY: Q. Did you ever tell them 8 that? 9 A. I don't remember that. 10 Q. Okay. Now -- 11 A. I've been to Holy Cross so many 12 times. That's not the first time I been to Holy 13 Cross. Get the records show how many times I 14 been there. 15 THE VIDEOGRAPHER: We are now off the 16 record. Just have to change tape. 17 (Whereupon discussion was 18 had off the record from 19 11:27 a.m. to 11:28 a.m.) 20 HEARING OFFICER BERLAND: You may resume. 21 MR. RODDY: Q. After April 16th of '07, 22 after April 16th, '07, after Officer Askew had 23 arrested you, how many times have you been 24 arrested at that same location for trespassing</p>	<p>Page 68</p> <p>1 A. You keep on saying -- 2 Q. Just answer yes or no. 3 A. No. No. 4 Q. So you were not arrested on March 14, 5 '09, for any kind of criminal -- 6 MS. TAMRAT: Objection. 7 A. I don't remember that. 8 HEARING OFFICER BERLAND: Same objection? 9 What is your objection? 10 MS. TAMRAT: As the motion in limine. 11 HEARING OFFICER BERLAND: Well, you've got 12 a standing objection to that. So -- 13 MR. RODDY: Q. So you were not 14 arrested -- March 4, '09, do you remember that? 15 That's just recently. 16 Do you remember being arrested 17 for trespass at that location, 6858 South 18 Ashland, by Officer Dowling? 19 MS. TAMRAT: I would make a further -- 20 A. No -- 21 MS. TAMRAT: I would make a further 22 objection as to the reason for the arrest, 23 asking for the reason for the arrest as opposed 24 to showing that he had been arrested.</p>

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1 MR. RODDY: Let me rephrase it.
2 Q. Were you arrested at 6858
3 South Ashland on March 4, '09? This year.
4 A. Oh, yeah.
5 Q. For what?
6 A. Well --
7 MS. TAMRAT: Objection as to what is the
8 relevance with respect to showing bias.
9 HEARING OFFICER BERLAND: Mr. Brown,
10 please.
11 MS. TAMRAT: Don't answer when there is an
12 objection.
13 HEARING OFFICER BERLAND: Mr. Roddy, would
14 you respond to her objections?
15 MR. RODDY: Well, I think it's consistent
16 with what we say is his defense, that he's still
17 doing the very same thing that he was arrested
18 for on April 16th.
19 Remember, one of the charges is
20 that there was a retribution, which is just
21 nonsense. There wasn't a retribution.
22 HEARING OFFICER BERLAND: But that doesn't
23 show whether or not there was retribution, the
24 fact that he was arrested.

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1 If you're introducing it to show
2 bias, I'm allowing you to do that, but --
3 MR. RODDY: Right. Okay.
4 MS. TAMRAT: If I may interject. Mr.
5 Roddy --
6 MR. RODDY: She has a standing objection.
7 MS. TAMRAT: No. I --
8 MR. RODDY: We have people waiting to
9 testify here. She has a standing objection.
10 HEARING OFFICER BERLAND: Well, she has a
11 right to make --
12 MS. TAMRAT: I have a right to make my
13 record.
14 MR. RODDY: But don't make an opus.
15 MS. TAMRAT: I have a right to make my
16 record, and I will. Thank you.
17 Mr. Roddy's response to why he's
18 going with this line of questioning shows that
19 he is not questioning this witness to show bias.
20 It shows that this witness is
21 being cross-examined to essentially prejudice
22 the credibility of this witness which was the
23 initial objection we had to any questioning
24 regarding arrests and any pending charges.

1 He has basically indicated he is
2 doing the same thing now as he was back then.
3 So how does that show bias? Shows that they're
4 trying to attack this man's credibility, and
5 that isn't proper.
6 And I'm saying, based on
7 Mr. Roddy's concession that he's not being
8 questioned for bias, the entire line of
9 questioning regarding arrests be stricken from
10 the record.
11 HEARING OFFICER BERLAND: It is not going
12 to be stricken. I have already advised the
13 Members of the Police Board it can be used to
14 show bias, prejudice, or interest and nothing
15 else.
16 Ask your next question, please.
17 MR. RODDY: Q. Do you remember seeing a
18 Sergeant Lombard on April 15th?
19 A. A Sergeant Lombard?
20 Q. A man in a white shirt?
21 A. No.
22 Q. I thought you said on direct
23 examination you remember a sergeant coming to
24 the scene?

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1 A. I don't know his name, no Lombard.
2 Q. Okay. But do you remember a man in a
3 white shirt coming to the scene?
4 A. Oh, okay. Then, yeah.
5 Q. Okay. And did you --
6 A. Lombard.
7 Q. -- refuse medical service at that
8 time?
9 A. I told him I wasn't going with him
10 because I didn't trust him.
11 Q. So you didn't even trust that
12 policeman either?
13 A. Wait a minute. Only one came there.
14 Q. And you didn't trust him?
15 A. No, I didn't trust him. I went
16 alone.
17 Q. Did you ever meet that man before?
18 A. I didn't meet everybody that met him
19 before.
20 Q. Well, I'm asking you, if you didn't
21 trust him, had you had prior contact with him?
22 A. No, I didn't.
23 Q. Okay. Did you refuse also to give
24 him any photographs?

1 A. He went in the back of the currency
2 exchange and looked at them pictures. They
3 don't allow me back there.

4 Q. Did they --

5 A. They don't allow me back there. He
6 went in there and viewed some film.

7 Q. Did the sergeant ask you if you would
8 make yourself available for an evidence
9 technician to take photographs?

10 A. No. He didn't ask me nothing.

11 Q. Never said?

12 A. He didn't ask me nothing. I didn't
13 mean nothing to him. You say I was going to the
14 hospital with him? Come on.

15 MR. RODDY: I have nothing more.

16 HEARING OFFICER BERLAND: Do you have
17 anything further?

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1 REDIRECT EXAMINATION

2 BY MS. TAMRAT:

3 Q. Mr. Brown, you went to the hospital,
4 and you went to the hospital because of what had
5 occurred on April 15th?

6 A. Right, because my neck was hurting.

7 Q. He hit your neck?

8 A. Right.

9 Q. And how is that --

10 A. Only reason my head, I jerked my neck
11 back.

12 Q. And what were you feeling that caused
13 you to go to the hospital at the time?

14 A. Pain in my neck.

15 Q. Pain in your neck?

16 A. Right.

17 Q. When you went to the hospital, you
18 complained -- you told them that you had been
19 hit to the throat --

20 A. Right.

21 Q. -- isn't that correct?

22 A. Right.

23 Q. And that's when you complained --

24 MR. RODDY: Does she want to testify,

1 Mr. Berland? This is consistently for about the
2 last hour --
3 HEARING OFFICER BERLAND: Is the
4 objection --
5 MR. RODDY: Objection. She's leading the
6 witness.

7 HEARING OFFICER BERLAND: The objection to
8 the question is sustained. Let's just object to
9 a question if there is an appropriate objection.

10 You may ask the next question.

11 MS. TAMRAT: If I may state, when

12 Mr. Roddy was cross-examining Mr. Brown and he
13 was reading from the medical records, he asked
14 him about what was in the medical records, but
15 he left out the chief complaint that Mr. Brown
16 had.

17 MR. RODDY: Objection. Objection.

18 Objection.

19 HEARING OFFICER BERLAND: I will allow you
20 to put into the record for the Board's
21 consideration anything that relates to
22 Mr. Brown's complaint regarding his neck.

23 So proceed to ask a question, but
24 he has to answer the question. This isn't cross

1 examination. Please proceed.

2 MS. TAMRAT: Q. Mr. Brown, so what was
3 your chief complaint when you went to Holy Cross
4 Hospital?

5 A. Bruised neck, if I'm not mistaken.

6 HEARING OFFICER BERLAND: Bruised neck if
7 he's not mistaken I believe is what he said.

8 MS. TAMRAT: Q. You complained about your
9 neck?

10 A. Yeah.

11 Q. And in addition to the pain in your
12 neck, were there other things that you had
13 complained to them about?

14 A. Maybe I did. I can't recall.

15 Q. You don't recall?

16 A. I can't recall back no two years ago.

17 Q. That was your --

18 A. I had been to Holy Cross quite a few
19 times. That ain't the first time I went to Holy
20 Cross. They didn't know that.

21 I been to Holy Cross about a
22 hundred times, but that particular time -- and
23 he was stating about my feet.

24 Holy Cross messed my feet up.

1 They put an IV in my feet because I had a
2 seizure, and they should have put it in my neck
3 and they put it in my feet.
4 Q. And when was this -- when did you
5 have your seizure?
6 Was it around the time that this
7 incident happened?
8 A. It probably was.
9 Q. Okay. But you say you've been there
10 many times?
11 A. I been to Holy Cross many times.
12 Q. Okay. And whenever you have --
13 A. I'm known at Holy Cross.
14 Q. Whenever you have medical problems --
15 A. Right. I go to Holy Cross. I go
16 to -- well, I go to Holy Cross, I go to
17 Stroger's, Providence, Jackson Park -- I had
18 three smoke inhalations. I was there -- I was
19 in a coma, you know.
20 Q. Okay, sir. Thank you.
21 Now, Mr. Brown, you were asked
22 about possession of cigarettes or selling
23 cigarettes. You were asked by Mr. Roddy.
24 And he asked you about being

1 RECROSS EXAMINATION
2 BY MR. RODDY:
3 Q. Do you know what a Doppler venous
4 examination is?
5 A. No. What? A Doppler what?
6 Q. Yeah, for both your legs.
7 MS. TAMRAT: Objection.
8 HEARING OFFICER BERLAND: I think --
9 Mr. Roddy, I think we've gone into that enough.
10 MR. RODDY: Okay. I'll rephrase it.
11 Q. Isn't that the main reason
12 and the only reason you went to Holy Cross
13 Hospital, was because you were afraid of the
14 pain, you were losing your leg?
15 MS. TAMRAT: Object. I am going to
16 object --
17 HEARING OFFICER BERLAND: Please, please
18 do not interrupt him when he is talking, and you
19 give me the opportunity to -- we have to take
20 certain things into consideration here, but I do
21 not want the argument between counsel.
22 Ask the question, and if there is
23 an objection, Mr. Brown, let me rule on the
24 objection before.

1 found guilty of that; is that right?
2 HEARING OFFICER BERLAND: I thought you
3 made an objection and we went on to the next
4 question, but the record will reflect whatever
5 it was that he said.
6 If you want to open up the
7 issue --
8 MS. TAMRAT: I don't, but I think you
9 allowed it. My recollection is that it was
10 allowed. I'm sorry?
11 HEARING OFFICER BERLAND: There was an
12 objection at one point, and I sustained the
13 objection. If there was no objection, I'm sure
14 it went in the record.
15 MS. TAMRAT: Okay. I have nothing
16 further.
17 HEARING OFFICER BERLAND: Do you have
18 anything further, Mr. Roddy?
19 MR. RODDY: Just one question.
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1 Mr. Roddy, ask a question.
2 MR. RODDY: I want that question asked.
3 HEARING OFFICER BERLAND: Well, is there a
4 question in the record because you were
5 interrupted by Ms. Tamrat, who I will give the
6 opportunity to make an objection.
7 THE COURT REPORTER: Do you want the
8 question?
9 HEARING OFFICER BERLAND: The last
10 question, if it got completely into the record.
11 (Record read.)
12 And what is your objection?
13 MS. TAMRAT: My objection is it
14 mischaracterizes the evidence. It is not
15 entered into evidence, but the record that he's
16 looking at, it says the chief complaint was
17 headaches.
18 MR. RODDY: Now that's objectionable. Let
19 him answer. She has led him, coddled him --
20 MS. TAMRAT: I am making an argument.
21 This is not evidence. I'm arguing. It's not
22 evidence.
23 HEARING OFFICER BERLAND: It's not
24 evidence, but you're reading from the record.

1 MS. TAMRAT: Yes.
2 HEARING OFFICER BERLAND: He's allowed to
3 cross-examine the witness and test the witness's
4 recollection. Over objection, he can answer the
5 question.
6 Please have the court reporter
7 read the question to Mr. Brown so he remembers
8 the exact question, and then he can say yes or
9 no or whatever the appropriate answer is.
10 (Record read.)
11 A. Answer it?
12 MR. RODDY: Q. Yes or no.
13 A. No. I wasn't afraid to lose my legs.
14 I told you I went there for my neck.
15 HEARING OFFICER BERLAND: Okay.
16 THE WITNESS: Not I'm going to lose my
17 legs.
18 MR. RODDY: No more questions.
19 HEARING OFFICER BERLAND: There is no
20 question pending, sir.
21 Is there any further questions?
22 MS. TAMRAT: Is Mr. Roddy finished? I
23 don't know.
24 HEARING OFFICER BERLAND: He's done.

1 JESSICA SANCHEZ,
2 called as a witness on behalf of the
3 Superintendent, having been first duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MS. DUNCAN:
7 Q. Hello. Please state and spell your
8 name for the record.
9 A. First name is Jessica, spelled
10 J-e-s-s-i-c-a. Last name is Sanchez,
11 S-a-n-c-h-e-z.
12 Q. What's your occupation?
13 A. I am an investigator.
14 Q. And who is your employer?
15 A. The Independent Police Review
16 Authority.
17 Q. Was the Independent Police Review
18 Authority previously named anything different?
19 A. Yes. It was the Office of
20 Professional Standards.
21 Q. Okay. Thank you.
22 So, Investigator Sanchez, do you
23 have a grade to your investigator status?
24 A. I am an Investigator 2.

1 MS. TAMRAT: Okay.
2 HEARING OFFICER BERLAND: Are you done?
3 MS. TAMRAT: Nothing further.
4 HEARING OFFICER BERLAND: You're excused,
5 sir. Take the microphone off, please. Thank
6 you.
7 THE WITNESS: You're welcome.
8 HEARING OFFICER BERLAND: Off the record.
9 (Whereupon discussion was
10 had off the record from
11 11:42 a.m. to 11:51 a.m.)
12 Okay. Ms. Tamrat has left, but
13 we're going to proceed with Ms. Duncan.
14 Swear the witness, please.
15 (Witness sworn.)
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1 Q. As Investigator 2, what are your
2 duties and responsibilities?
3 A. I investigate cases of misconduct by
4 Chicago police officers. That includes
5 interviewing complaining witnesses, involved
6 officers, gathering forensic evidence, medical
7 records, photographs, summarizing the
8 investigation. At the end giving a finding on
9 the investigation.
10 Q. Okay. And how long have you been an
11 Investigator 2?
12 A. An Investigator 2? Four years.
13 Q. And prior to that, what was your job
14 title?
15 A. Investigator 1.
16 Q. How long were you an Investigator 1?
17 A. Four years.
18 Q. Did you undergo any training when you
19 started with the Office of Professional
20 Standards?
21 A. Yes. I went to the Chicago Police
22 Academy.
23 Q. And how long were you at the Chicago
24 Police Academy?

1 A. Six weeks.
2 Q. What was the nature of the training
3 while you were at the academy?
4 A. We were trained in investigations,
5 how to conduct investigations by Chicago police
6 detectives.
7 Q. And do you engage in ongoing training
8 as an investigator?
9 A. Yes, we do.
10 Q. In April of 2007 were you assigned to
11 conduct an investigation concerning Police
12 Officer Bruce Askew?
13 A. Yes, I was.
14 Q. And what was your role in this
15 investigation?
16 A. I was the investigator on the case.
17 Q. Were you the only investigator on the
18 case?
19 A. I was the only assigned investigator
20 on the case.
21 Q. What information did you receive when
22 you were assigned the investigation?
23 A. When I received the file, there was
24 the face sheet which is the complaint and a

1 A. Yes.
2 Q. Where did the interviews take place?
3 A. At our office.
4 Q. And that's the Office of Professional
5 Standards at the time?
6 A. Correct.
7 Q. Prior to conducting these two
8 interviews of Officer Askew, did you read him
9 his administrative rights?
10 A. We don't read them out loud. We
11 actually hand it to him so he can read it.
12 Q. Okay. Did he indicate that he
13 understood his rights?
14 A. Yes. He signed them.
15 Q. And did you personally conduct both
16 interviews with Officer Askew?
17 A. Yes.
18 Q. During your interviews with Officer
19 Askew, did you ask him about an April 15, 2007,
20 incident between him and an individual named
21 Jimmy Brown?
22 A. Yes, I did.
23 Q. Where did Officer Askew tell you the
24 incident occurred?

1 couple of To/From's in the file.
2 Q. And what -- generally speaking, what
3 steps did you take in conducting your
4 investigation?
5 A. Well, my first step was to contact
6 the victim complainant, Jimmy Brown; the
7 witness, Scaffold, Henry Scaffold; and obtain
8 any Department reports that were available.
9 Q. Did you -- was it your responsibility
10 to obtain a surveillance video in this case?
11 A. Yes.
12 Q. Did you have an occasion to interview
13 Officer Askew during your investigation?
14 A. Yes.
15 Q. How many times did you interview him?
16 A. I interviewed him twice.
17 Q. Do you recall the dates,
18 approximately?
19 A. July, '07. I don't recall if both
20 statements were taken in July.
21 Q. Okay. Is it fair to say that the
22 statements were taken within a couple of months
23 of the April incident? Would you say a few
24 months?

1 A. At a currency exchange.
2 Q. Did Officer Askew -- did he indicate
3 why -- strike that.
4 A. Are you aware whether Officer
5 Askew was on duty at the time the incident
6 occurred?
7 A. He was off duty.
8 Q. What did Officer Askew tell you
9 concerning the incident with Mr. Brown on that
10 date?
11 MR. RODDY: The only objection I have is
12 his statement is already in evidence.
13 HEARING OFFICER BERLAND: It is in
14 evidence.
15 MS. DUNCAN: Okay. That's fine. I'll
16 strike that question, then.
17 Q. Did Officer Askew indicate to
18 you whether Mr. Brown was allowed to be in the
19 currency exchange at that time or not?
20 A. He said that he was not allowed in
21 the currency exchange at that time.
22 Q. Did Officer Askew tell you why
23 Mr. Brown was not allowed in the currency
24 exchange?

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1 A. He said that Mr. Brown as well as
2 Mr. Scaffold are named offenders in a case
3 report, signed complainant being an employee of
4 the currency exchange.
5 Q. Okay. And did Officer Askew provide
6 you with any documentation of this alleged case
7 report?
8 A. No, he did not.
9 Q. Did you conduct any research of your
10 own regarding this case report?
11 A. I did.
12 Q. And what kind of searches did you
13 run?
14 A. I looked at the CLEAR system for any
15 case reports at that address. I want to say the
16 case report -- I searched it from January, '06,
17 to about April, '07.
18 I searched for case reports
19 naming Brown and Scaffold as offenders. I
20 searched OEMC calls that would reference any
21 case report naming the two gentlemen as
22 offenders, service calls, arrest history.
23 I also searched the clerk system,
24 the Cook County clerk system, for any pending

1 A. The 1st of February, 2007.
2 Q. And who is the complainant?
3 A. Gary -- I am going to spell out his
4 last name -- V-a-n-d-e-n-H-e-u-v-e-l, first name
5 Gary, middle initial L.
6 Q. And the address?
7 A. 6858 South Ashland.
8 Q. And the purported defendants or
9 accused?
10 A. Last name Scaffold, first name Henry;
11 second offender, Brown, first name Jimmy.
12 Q. Would it be a fair statement you've
13 never seen that report before?
14 A. That's correct.
15 Q. Just -- I am going to preface this
16 for the record. I know Ms. Sanchez. She is a
17 very, very able investigator.
18 Is there any reason why you
19 wouldn't have been able to find that report that
20 you know?
21 A. No.
22 Q. Okay. And does it not state in that
23 report dated February 1, '07, that they do not
24 have permission, Mr. Scaffold and Mr. Brown, to

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1 cases that would place Mr. Scaffold and Brown in
2 the currency exchange for trespassing at that
3 location, but I didn't find anything.
4 Q. I'm sorry. Did you say you did or
5 did not find anything?
6 A. I did not find anything.
7 MS. DUNCAN: I have no further questions
8 at this time.
9
10
11 CROSS EXAMINATION
12 BY MR. RODDY:
13 Q. I am going to show you what has been
14 marked as Askew No. 1, Ms. Investigator.
15 (Askew Exhibit No. 1 was
16 marked for
17 identification.)
18 HEARING OFFICER BERLAND: Can I see it,
19 please?
20 MR. RODDY: Yes.
21 Q. And I ask you if you
22 recognize it.
23 A. It is a General Offense Report.
24 Q. Dated when?

1 be on the premises at 6858 South Ashland?
2 Sorry.
3 A. Yes.
4 MR. RODDY: Okay. I have nothing further.
5 Thank you.
6 MS. TAMRAT: Could we have a few moments?
7 HEARING OFFICER BERLAND: Yes. You can go
8 off the record. Off the record, please.
9 (Whereupon discussion was
10 had off the record from
11 12:01 p.m. to 12:04 p.m.)
12 MS. DUNCAN: No further questions for this
13 witness.
14 HEARING OFFICER BERLAND: Okay. Thank
15 you. You're excused. Thank you.
16 Are there any further witnesses
17 from the Superintendent?
18 MS. TAMRAT: We have no objections to
19 Mr. Roddy calling his witnesses out of order if
20 he wishes to, but in light of the developments
21 in this case, we would like the opportunity to
22 call other witnesses in the case in chief.
23 And so if Mr. Roddy wants to go
24 ahead and call his witnesses --

1 HEARING OFFICER BERLAND: Yeah, if he
2 wants to go out of order. Do you want to go out
3 of order?
4 MR. RODDY: Well, that's an interesting
5 curve ball.
6 It's their case. If they want to
7 finish, they've got to articulate for the record
8 what witnesses they have subpoenaed, okay, that
9 they have not brought forward here today.
10 That's what the rules say. There
11 is no discretion. Once the City starts their
12 case, there is no further continuances under the
13 police department's rules.
14 HEARING OFFICER BERLAND: Well, they
15 are -- they can still call additional witnesses.
16 If the witnesses are available, you're right.
17 They have the obligation to subpoena the
18 witnesses before the hearing and at least under
19 current Police Board rules, which may not
20 continue in this fashion, there is no obligation
21 for the Respondent to turn over discovery to the
22 Superintendent.
23 So that is the status of the
24 rules as they exist now.

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1 MS. TAMRAT: I understand Mr. Roddy has no
2 obligation to turn over this document. I am not
3 saying he did.
4 HEARING OFFICER BERLAND: As the rules
5 exist at the present time, that's true.
6 MS. TAMRAT: Absolutely. Yes, I
7 understand that.
8 But regardless of whether the
9 rules entitle us to this document, this was a
10 surprise, and so because of that, we're asking
11 for --
12 HEARING OFFICER BERLAND: I can't give you
13 a continuance because of a surprise under the
14 statute.
15 The statute says that once the
16 hearing begins -- and you're welcome to show me
17 any applicable case law or language in the
18 statute that we're obligated to proceed --
19 unless -- if you subpoenaed witnesses and
20 witnesses have failed to appear, I certainly am
21 in a position, in the interest of justice, to
22 grant continuances and have done so.
23 If you -- I don't know exactly
24 what type of witness you're going to get to

1 refute what's contained in this document which
2 is only that, apparently, there was a complaint
3 made about both Mr. Saffold and Brown in which
4 the General Offense Case Report indicates that
5 they didn't want these people on the premises to
6 conduct business.
7 That's what it says, and that's
8 already in the record. I am not sure how you
9 intend to refute that. I am not going to
10 generally continue the hearing.
11 If you have witnesses that you
12 want to bring in today, I will give you a lunch
13 break, whether Mr. Roddy wants a lunch break or
14 not, and if you have witnesses that you want to
15 call. But it was your own witness, and she
16 admitted that she just did not locate this
17 document.
18 So I want to assist you in any
19 way in calling witnesses that have any relevant
20 information to provide to the Police Board, but
21 the fact that something of a surprise nature
22 comes up unfortunately does not change the
23 language of the statute which is that I don't
24 think it gives me discretion.

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1 If you disagree, I will be happy
2 to look at the language of the statute and any
3 case law, and it applies to both parties.
4 So if one party uses it, the next
5 time perhaps the other side may use it, but
6 Mr. Roddy is not apparently going to agree to
7 any continuance. I will allow you to call
8 whatever witness you want, but it will have to
9 be today.
10 MR. RODDY: So the record is clear, I'm
11 not agreeing to a continuance for their case in
12 chief. They can put on anybody in rebuttal, but
13 as to their case in chief, I want them to rest.
14 HEARING OFFICER BERLAND: Right. Well, I
15 don't know if this would be rebuttal witnesses
16 or not. I am not even sure what type of
17 testimony you would intend to put on, Ms.
18 Tamrat.
19 She admitted that this -- unless
20 you're questioning the authenticity of this
21 document.
22 MS. TAMRAT: We have the right to inquire
23 as to the authenticity. I mean, I don't have
24 any basis for not believing that this document

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1 is authentic, but I am obligated to insure that
2 it is.
3 HEARING OFFICER BERLAND: Well, then you
4 should do so over the lunch break. I assume you
5 have access to resources which would allow you
6 or Ms. Duncan or both of you to check to see
7 whether this Chicago case report dated February
8 of '07, February 1, 2007, is in fact in the
9 Superintendent's computer system, and the
10 witness did say that she apparently missed it,
11 that she was handed a document that she hadn't
12 seen before. So --

13 MS. TAMRAT: So I'm clear, though -- I
14 understand Mr. Roddy is not agreeing for us to
15 continue our case in chief, but I understand
16 it's the consensus that we are not completing
17 the hearing today?

18 HEARING OFFICER BERLAND: I never said
19 that. We are completing the hearing --

20 MS. TAMRAT: Based on Mr. Roddy saying --
21 MR. RODDY: Well, I have no objection to
22 them -- I'm sorry.

23 I have no objection to them
24 putting on rebuttal, okay? I think that's fair

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1 MR. RODDY: Why do we need a lunch break?
2 HEARING OFFICER BERLAND: Because they
3 want a lunch break --
4 MS. TAMRAT: Because we need to eat. I
5 need to eat.
6 HEARING OFFICER BERLAND: -- and while you
7 and I don't require lunch breaks, most lawyers
8 do. I don't think any objection has ever been
9 sustained to a lunch break, and I won't be the
10 first.

11 MR. RODDY: But we gave them the other
12 break contemplating that there would be no lunch
13 break.

14 Mr. Berland, I've got to make a
15 record here. There are citizens out there.
16 There's policemen out there.

17 HEARING OFFICER BERLAND: They'll wait as
18 they wait in every other case for a lunch break.
19 So that we will do.

20 We will be back at 1:00, and at
21 that time we will determine who the next witness
22 is and proceed.

23 MS. TAMRAT: Okay. Thank you.

24 MS. DUNCAN: Thank you.

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1 because there are certain things they don't know
2 that we are going to put on in our defense, yes,
3 but I do have an objection to them not resting
4 and me going out of turn.

5 MS. TAMRAT: Yeah, but essentially that
6 means we're not -- you don't anticipate we are
7 finishing today. Am I correct in that or --

8 HEARING OFFICER BERLAND: Are you asking
9 me or Mr. Roddy?

10 MS. TAMRAT: Mr. Roddy.

11 HEARING OFFICER BERLAND: Because as far
12 as I'm concerned, you know, we're here.

13 MS. TAMRAT: Okay.

14 MR. RODDY: I contemplate finishing my
15 case. If they want rebuttal, that's another
16 issue. I contemplate finishing my case.

17 MS. TAMRAT: Okay. That's fine. We'll
18 just take a lunch break at this time.

19 HEARING OFFICER BERLAND: Well, okay. We
20 will take -- can we be back at 1:00?

21 MR. RODDY: I have to object to this. I
22 have so many people here.

23 HEARING OFFICER BERLAND: Well, you can
24 object to a lunch break --

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1 HEARING OFFICER BERLAND: Please be back
2 at 1.
3 (Whereupon the foregoing
4 proceedings were recessed
5 for lunch at 12:11 p.m.
6 and scheduled to resume at
7 1:00 p.m.)

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1 BEFORE THE POLICE BOARD
2 OF
3 THE CITY OF CHICAGO

4 IN THE MATTER OF CHARGES)
5 FILED AGAINST) Case No. 09-2706
6 F.O. BRUCE ASKEW,)
7 Respondent.)

8
9 Thursday, July 23, 2009
10 1:22 p.m.
11 30 North LaSalle Street
12 Suite 1220
13 Chicago, Illinois

14 The taking of the instant proceedings
15 before HEARING OFFICER MICHAEL BERLAND were
16 resumed pursuant to recess.

17 PRESENT:

18 MS. TAI DUNCAN

19 MS. HILLINA TAMRAT

20 MR. JOSEPH RODDY

1 GARY VANDENHEUVEL,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. RODDY:

7 Q. Would you state your name, sir, and
8 spell both your first and especially your last
9 name for the court reporter?

10 A. Gary VandenHeuvel. Last name is --
11 first name is spelled G-a-r-y. Last name is
12 spelled V-a-n-d-e-n-H-e-u-v-e-l.

13 Q. And your business or occupation, sir?

14 A. Currently I'm the manager for Exxon
15 Mobile.

16 Q. Okay. Prior to that, what was your
17 occupation?

18 A. I was regional manager for The Loan
19 Machine and also the manager at 69th and Ashland
20 currency.

21 Q. Were you familiar with the currency
22 exchange at 6858 South Ashland?

23 A. Yes, the 69th and Ashland currency.

24 Q. What -- I'm sorry. I interrupted

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1 HEARING OFFICER BERLAND: Does the
2 Superintendent have any further witnesses?
3 MS. TAMRAT: We don't have any witnesses
4 today, but we would still ask for a courtesy to
5 be allowed to call additional witnesses.

6 HEARING OFFICER BERLAND: Well, we'll deal
7 with that issue perhaps later.

8 But, Mr. Roddy, do you have any
9 witnesses?

10 MR. RODDY: Yes.

11 HEARING OFFICER BERLAND: Can we go off
12 the record, Terry?

13 (Whereupon discussion was
14 had off the record from
15 1:22 p.m. to 1:23 p.m.)

16 Okay. Swear the witness, please.
17 (Witness sworn.)

1 you.
2 What period of time were you
3 there at 6858 South Ashland?
4 A. From 2006 through 2000 and -- just
5 about 2009.

6 Q. For a three-year period; is that
7 correct?

8 A. Yeah.

9 Q. Are you familiar with an individual
10 by the name of Jimmy Brown?

11 A. Yes, I am.

12 Q. Are you familiar with an individual
13 by the name of Henry Saffold?

14 A. Oh, yes, I am.

15 Q. And how are you familiar with those
16 two individuals?

17 A. Upon my given managerial duties at
18 the currency exchange, the owner expressed that
19 he did not want them in the store --

20 MS. TAMRAT: I would object as to the
21 hearsay nature of the testimony.

22 HEARING OFFICER BERLAND: No. It goes to
23 his state of mind. It is not admissible for the
24 truth because the owner is not here, but it goes

1 to his state of mind and what action he took
2 after allegedly receiving that information from
3 the owner of the store.

4 MS. TAMRAT: But I think the year is 2004.
5 So what -- the action he took in 2004 wouldn't
6 be relevant --

7 HEARING OFFICER BERLAND: Well --

8 MS. TAMRAT: -- to the incident.

9 THE WITNESS: What year was 2004?

10 MR. RODDY: Yeah. Where did 2004 come
11 from?

12 MS. TAMRAT: I'm sorry. What was the
13 testimony with respect to when he started?

14 HEARING OFFICER BERLAND: I don't know
15 whether that makes a difference. He's talking
16 about information, apparently, that he received.

17 When did you say you received
18 this information, approximately?

19 THE WITNESS: Approximately like 2005,
20 2006. It's -- I had various duties with the

21 same company. The company had --

22 HEARING OFFICER BERLAND: Okay. Let's go
23 on the record and ask.

24 MR. RODDY: Q. Anyways you got certain

1 took manager duties there.

2 Q. Which was when?

3 A. Which was 2005, 2006.

4 Q. Okay. Up until you left? Is that --

5 A. Up until this incident occurred.

6 MS. TAMRAT: So the objection is the time
7 frame.

8 All this amount of time is not --

9 should not be allowed because essentially this
10 is prior bad acts, prior acts that we objected
11 to in the motion in limine.

12 HEARING OFFICER BERLAND: What prior bad
13 acts are you talking about? He said that he
14 told Mr. Brown and Mr. Scaffold that he did not
15 want them in the currency exchange.

16 That is not a prior bad act.

17 MS. TAMRAT: I would object on the basis
18 of relevance.

19 HEARING OFFICER BERLAND: Overruled.
20 Proceed.

21 MR. RODDY: Q. How many times did you
22 tell them during this period of time not to be
23 in the currency exchange?

24 A. I was generally at the currency

1 information.

2 Did you relay that to Mr. Brown
3 and Mr. Scaffold?

4 A. I did.

5 Q. How many times would you say you
6 relayed that to them?

7 A. It would be probably a hundred times
8 easy.

9 Q. And what did you tell them on these
10 hundred times?

11 A. I would tell them to get out --

12 MS. TAMRAT: Objection as to time frame.

13 HEARING OFFICER BERLAND: Okay. Lay
14 some --

15 MR. RODDY: Which one do you want, Ms.
16 Tamrat? The first or the fiftieth or the
17 ninety-ninth?

18 HEARING OFFICER BERLAND: Well, lay some
19 foundation.

20 MR. RODDY: Okay.

21 Q. What period of time does this
22 entail when you were talking to them and giving
23 them these admonitions?

24 A. This started in -- from the time I

1 exchange five days a week, and every day I

2 walked in I would tell them that.

3 Q. Would they obey you?

4 A. They would sometimes listen.

5 Sometimes they would wait until I went in back
6 and picked up a phone. Sometimes they would
7 wait until the police showed up.

8 Q. Why did you not want them in the
9 currency exchange?

10 A. They had -- when I first arrived

11 there, they had a shack operated business out
12 of -- in front of the store, and that's where
13 they were supposed to be operating their
14 business. Okay?

15 Besides that, their license, as
16 far as I understand, was to sell newspapers.

17 They were selling cigarettes --

18 MS. TAMRAT: Objection. Foundation.

19 MR. RODDY: Q. Did you see --

20 A. I observed them selling cigarettes.

21 MS. TAMRAT: He wouldn't know whether or
22 not they had licenses. I object.

23 HEARING OFFICER BERLAND: Okay. Yeah,
24 that he would not know.

1 MR. RODDY: Q. As to the cigarettes, did
2 you observe them selling cigarettes?
3 HEARING OFFICER BERLAND: I will sustain
4 the objection only as to that.
5 MS. TAMRAT: And I object to information
6 about Henry Saffold and Jimmy Brown being
7 combined together. So who was doing what, and
8 who was doing what?
9 HEARING OFFICER BERLAND: Okay. I think
10 she is entitled to that.
11 MR. RODDY: Jimmy Brown --
12 HEARING OFFICER BERLAND: Jimmy Brown is
13 the only one who's testified so far.
14 MR. RODDY: Q. What did you see Jimmy
15 Brown doing?
16 A. I saw Jimmy Brown selling newspapers.
17 I saw Jimmy Brown selling various other items.
18 Q. Did you ever see him sell cigarettes?
19 A. I saw him sell cigarettes.
20 Q. How many times would you say during
21 this two-and-a-half-year period that you saw him
22 sell cigarettes?
23 MS. TAMRAT: Objection.
24 HEARING OFFICER BERLAND: Overruled.

1 MR. RODDY: There's only one.
2 MS. DUNCAN: It isn't marked.
3 HEARING OFFICER BERLAND: Yes, it was
4 marked.
5 MR. RODDY: Yes, it was marked.
6 HEARING OFFICER BERLAND: It certainly was
7 marked. It's Exhibit 1. It is the General Case
8 Report that was marked and Investigator Sanchez
9 was shown.
10 MR. RODDY: Q. You posted it in the
11 store; is that correct?
12 A. It was posted in the store behind the
13 desk, yes.
14 Q. And that was -- does that refresh
15 your recollection as to the date, February 1st
16 of '07?
17 A. Yes.
18 Q. And you're here pursuant to a
19 subpoena, are you, sir?
20 A. Correct.
21 MR. RODDY: You may cross.
22
23
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1 A. Every day. Every day he was in there
2 that's what he was doing.
3 MR. RODDY: Q. Did you -- do you know
4 Bruce Askew?
5 A. Yes, I do.
6 Q. And how did you first meet Bruce?
7 A. He responded to one of our phone
8 calls that we made complaining about these
9 gentlemen being inside of our business.
10 Q. Do you remember -- first of all, did
11 you ever get a copy of a police report that you
12 had filed?
13 A. Yes.
14 Q. And if I show you what has been
15 marked as Askew 1, would that refresh your
16 recollection as to the report that you just
17 referenced?
18 A. Yes.
19 Q. What did you do with that copy?
20 A. It was posted on our bulletin board
21 behind the desk --
22 MS. TAMRAT: If I may clarify, which one
23 is Respondent's 1? Is it the General Offense
24 Report?

1 CROSS EXAMINATION
2 BY MS. TAMRAT:
3 Q. Mr. VandenHeuvel, you were also given
4 a subpoena from the Superintendent; isn't that
5 correct?
6 A. Apparently, yes.
7 Q. You did receive a subpoena?
8 A. Well, I received a couple subpoenas.
9 I didn't realize they were from different
10 agencies.
11 Q. Well, it does indicate on the
12 subpoena, though, who sent the subpoena to you;
13 is that correct?
14 A. I didn't read it carefully.
15 Q. Isn't it true that you were actually
16 asked to contact an assistant corporation
17 counsel?
18 A. Since I haven't read it carefully, I
19 have no idea what it says.
20 Q. How did you know to come here today?
21 A. Because the first subpoena I received
22 was from -- was from this lawyer here --
23 HEARING OFFICER BERLAND: Mr. Roddy.
24 THE WITNESS: -- and I contacted him.

1 MS. TAMRAT: Q. But you never contacted
2 an assistant corporation counsel, did you?
3 A. No, I did not.
4 Q. Now, you have Respondent's Exhibit
5 No. 1 in front of you?
6 A. Yes.
7 Q. Is it your testimony that you
8 actually received a copy of Respondent's Exhibit
9 No. 1?
10 A. Correct.
11 Q. This very document?
12 A. Correct.
13 Q. You were given a copy of this, this
14 document, a photocopy of this document?
15 A. I was not given the copy. The copy
16 was given to the workers.
17 Q. "Worker" meaning another employee of
18 the currency exchange?
19 A. Another employee of the currency
20 exchange, correct.
21 Q. Okay. Who was that?
22 A. I cannot remember what employee
23 received this particular document. However, it
24 was then placed behind my desk on the wall and

1 REDIRECT EXAMINATION
2 BY MR. RODDY:
3 Q. You personally gave the video to the
4 City, didn't you?
5 A. Yes, I did.
6 MR. RODDY: Okay. Nothing more.
7 HEARING OFFICER BERLAND: Okay. You're
8 excused. Take the microphone off.
9 For the record I did give the
10 Superintendent's attorneys about ten or
11 fifteen minutes to talk with this witness before
12 he was put on the stand.
13 (Whereupon discussion was
14 had off the record from
15 1:33 p.m. to 1:34 p.m.)
16 Swear the witness, please.
17 (Witness sworn.)
18
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1 where it remained for months.
2 Q. And that is Respondent's No. 1?
3 A. Yes.
4 Q. So as the manager of this currency
5 exchange, were you in the currency exchange
6 every day?
7 A. I was in the currency exchange
8 practically every day, but I also had other
9 duties because the owner of the currency
10 exchange also owns a chain of loan stores which
11 I was responsible for.
12 Q. How many total stores were you
13 responsible for?
14 A. Six stores.
15 Q. But you still did come to the
16 currency exchange every single day?
17 A. Yes. Most of the stores were located
18 near the currency exchange.
19 MS. TAMRAT: I have nothing further.
20 HEARING OFFICER BERLAND: Anything
21 further?
22 MR. RODDY: I just have one question.
23
24

1 RICHARD LOMBARD,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:
5 DIRECT EXAMINATION
6 BY MR. RODDY:
7 Q. Would you state your name, sir, and
8 spell your last name for the court reporter,
9 please?
10 A. My name is Richard Lombard,
11 L-o-m-b-a-r-d.
12 Q. And your business or occupation, sir?
13 A. I am a Chicago police sergeant
14 assigned to the Area 4 detective division.
15 Q. Okay. Calling your attention to
16 April 15, 2007, where were you assigned?
17 A. I was assigned to the 7th District
18 working the midnight watch.
19 Q. Did you have occasion to go and talk
20 to a Jimmy E. Brown on April 15, 2007?
21 A. I did.
22 Q. And did you have -- did you actually
23 go to see Mr. Brown?
24 A. I did.

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<p>1 Q. Where was that at that you saw him?</p> <p>2 A. At the currency exchange at 69th,</p> <p>3 Ashland Avenue.</p> <p>4 Q. Okay. And at that time did he file a</p> <p>5 complaint or make a complaint relative to a</p> <p>6 police officer Bruce Askew?</p> <p>7 A. He did.</p> <p>8 Q. Okay. Did you ask him at that time</p> <p>9 if he wanted any medical service?</p> <p>10 A. I did, sir.</p> <p>11 Q. And what did he say?</p> <p>12 A. He declined.</p> <p>13 Q. Did you ask him to be available at</p> <p>14 that time for an evidence technician to see</p> <p>15 any -- to take photos of him?</p> <p>16 A. I did, sir.</p> <p>17 Q. What did he say?</p> <p>18 A. He declined that as well.</p> <p>19 Q. Did you yourself see any signs of</p> <p>20 injury to the complainant?</p> <p>21 A. I did not.</p> <p>22 MR. RODDY: You may cross.</p> <p>23</p> <p>24</p>	<p>1 would have been sometime after that. I am not</p> <p>2 sure of the exact time.</p> <p>3 Q. But you responded to a call that came</p> <p>4 through; is that right?</p> <p>5 A. I was assigned the job by the</p> <p>6 dispatcher.</p> <p>7 Q. Okay. And did you go as soon as you</p> <p>8 were assigned?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. You went right away?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. So would you say you went</p> <p>13 approximately 6:35, 6:40?</p> <p>14 A. As I said, Mr. Brown told me the</p> <p>15 incident happened at 6:30. It's been two years.</p> <p>16 My assumption is that I went there sometime</p> <p>17 after 6:30. Whether it was 6:35 or 6:40 or</p> <p>18 6:45, I don't remember.</p> <p>19 Q. But you do remember responding to the</p> <p>20 call. Would that be within minutes?</p> <p>21 A. To the best of my memory, it would</p> <p>22 have been, yes.</p> <p>23 Q. It would have been within minutes.</p> <p>24 Okay.</p>	
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<p>1 CROSS EXAMINATION</p> <p>2 BY MS. TAMRAT:</p> <p>3 Q. You spoke with Jimmy Brown on</p> <p>4 April 15th of 2007?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And what did he tell you?</p> <p>7 MR. RODDY: Objection. It's hearsay.</p> <p>8 A. That's --</p> <p>9 MS. TAMRAT: It's not hearsay because it</p> <p>10 would be an excited utterance. Jimmy Brown</p> <p>11 was --</p> <p>12 HEARING OFFICER BERLAND: No. You haven't</p> <p>13 laid any foundation for an excited utterance.</p> <p>14 So if you somehow believe it is an excited</p> <p>15 utterance, you can lay the foundation.</p> <p>16 Objection sustained.</p> <p>17 MS. TAMRAT: Q. How did you come upon the</p> <p>18 currency exchange on April 15, 2007?</p> <p>19 A. I was assigned a call of "Request For</p> <p>20 Supervisor."</p> <p>21 Q. What time did you go to the currency</p> <p>22 exchange?</p> <p>23 A. I believe the incident occurred,</p> <p>24 according to Mr. Brown, at 6:30 a.m. So it</p>	<p>1 And what were you responding to?</p> <p>2 What was the request for?</p> <p>3 A. The call was a request for supervisor</p> <p>4 at the currency exchange.</p> <p>5 Q. Was there an indication of what the</p> <p>6 incident was?</p> <p>7 A. If there was, I don't recall.</p> <p>8 Q. And when you arrived at the currency</p> <p>9 exchange, were you met by someone at the door of</p> <p>10 the currency exchange?</p> <p>11 A. I was.</p> <p>12 Q. And who was that?</p> <p>13 A. A gentleman who told me his name was</p> <p>14 James Brown, Jimmy Brown.</p> <p>15 Q. And was he the -- presented himself</p> <p>16 as the complainant in the case?</p> <p>17 A. Yes, ma'am, he did.</p> <p>18 Q. And did he tell you what happened?</p> <p>19 A. Yes, ma'am, he did.</p> <p>20 Q. You interviewed Mr. Brown; is that</p> <p>21 correct?</p> <p>22 A. Yes, ma'am, I did.</p> <p>23 Q. After you interviewed Mr. Brown, were</p> <p>24 you able to see any footage of a surveillance</p>	

1 camera at that time?
2 A. I did not. No, ma'am.
3 Q. You did not. Okay.
4 I renew my request that I be
5 allowed to inquire as to what Mr. Jimmy Brown
6 told this witness because the evidence that
7 we've presented so far shows that he responded
8 to a call, he went within minutes to the call.
9 We have presented evidence -- and
10 that's part of the record -- that Mr. Brown was
11 the victim of a violent act.

12 HEARING OFFICER BERLAND: You've got it on
13 videotape, Ms. Tamrat.

14 MS. TAMRAT: Yes, I do.

15 HEARING OFFICER BERLAND: You have not
16 laid the foundation for an excited utterance.

17 Unless you give me another
18 hearsay exception or Mr. Roddy chooses not to
19 object -- and he has objected -- the objection
20 will continue to be sustained.

21 MS. TAMRAT: Can I have a minute, please?

22 HEARING OFFICER BERLAND: Of course. Off
23 the record, Terry.

24

1 requirement for an excited utterance.
2 HEARING OFFICER BERLAND: Mr. Roddy?
3 MR. RODDY: Well, we have not only the
4 tape, but we have Mr. Browns's testimony and we
5 don't have any even a semblance of an excited
6 utterance here.

7 HEARING OFFICER BERLAND: No, I agree with
8 Mr. Roddy that just because the witness says he
9 was struck, if he would have testified that he
10 was emotionally overwrought and he testified
11 that he was in an excited condition, certainly
12 the cases, I agree with you, Ms. Tamrat, go far
13 longer than ten or fifteen minutes.

14 Under the circumstances and
15 particularly in light of the video, I do not
16 believe it's admissible evidence.

17 I don't believe the excited
18 utterance has been sufficiently established
19 either through this witness or through
20 Mr. Brown, and I'll sustain the objection at
21 this time for that reason.

22 MS. TAMRAT: If I may just -- I understand
23 your ruling -- state for the record that
24 Mr. Brown did testify that when Officer Askew

1 (Whereupon discussion was
2 had off the record from
3 1:39 p.m. to 1:40 p.m.)
4 MS. TAMRAT: The foundational requirement
5 for an excited utterance is that there is a
6 startling event or condition. We have shown
7 through the video that there was a startling
8 event or condition.
9 The event was sufficiently
10 startling to produce a spontaneous and
11 unexpected statement. This happened within a
12 very short amount of time. He responded within
13 minutes.

14 I would argue that it's
15 sufficient enough. And I can't cite to case law
16 right now, but I do know that longer periods of
17 time have been held to be close enough to the
18 incident -- if I might finish, Mr. Berland.

19 HEARING OFFICER BERLAND: Go ahead.

20 MS. TAMRAT: (Continuing) -- and there
21 was no time to fabricate. He responded to the
22 call, he said, within minutes. Sergeant Lombard
23 testified he responded within minutes.

24 And that is the only foundational

1 walked in the currency exchange he testified he
2 believed it was a stick-up man. He felt that,
3 he said, he was coming in to rob the bank
4 because he had a hood over his head. He said he
5 didn't recognize him.

6 He also said --

7 HEARING OFFICER BERLAND: He then said
8 that he did recognize --

9 MS. TAMRAT: -- he came in as a raging
10 bull.

11 HEARING OFFICER BERLAND: Pardon me for
12 interrupting, and I am interrupting.

13 He did recognize Officer Askew
14 after a time, and he knew Officer Askew. He
15 testified -- the alleged victim testified he was
16 struck. The videotape indicates whatever it
17 indicates.

18 The objection is sustained.

19 MS. TAMRAT: That's fine.

20 Q. Sergeant Lombard, you worked
21 in the 7th District at least as of the time of
22 April 15, 2007?

23 A. Yes, ma'am, I did.

24 Q. And you were a sergeant?

1 A. Yes, ma'am, I was.
2 Q. And Officer Askew was a police
3 officer in the 7th District?
4 A. He was.
5 Q. And you knew Officer Askew as an
6 officer in the 7th District?
7 A. Are you speaking of the time of the
8 incident, ma'am, or after?
9 Q. Yes.
10 At the time of the incident, did
11 you know Officer Askew to be a member of the --
12 an officer assigned to the 7th District?
13 A. I worked midnights. He worked days.
14 Q. But you knew Officer Bruce Askew was
15 assigned to the 7th District?
16 HEARING OFFICER BERLAND: As of April 15,
17 2007?
18 MS. TAMRAT: Q. At the time?
19 A. Yes. Yes.
20 Q. And subsequently have you worked with
21 Officer Askew after April 15th of 2007?
22 A. I have supervised him after that.
23 Q. So you supervised him after
24 April 15th of 2007?

1 also a director at the child welfare agency.
2 Q. The child welfare agency is located
3 where, Reverend?
4 A. 1438 West 53rd Street.
5 Q. How long have you occupied that
6 position?
7 A. For six years now.
8 Q. Okay. And could you tell us
9 generally what that position entails and who you
10 supervise?
11 A. Briefly, we work with homeless teens,
12 and we work to reduce violence in that
13 population. We work with wards of the state
14 from sixteen years old to twenty-one years old.
15 And at the facility we take the
16 most -- the 3 percent of the top most violent
17 and aggressive youth in the DCFS system. Our
18 youth average about twenty-one failed placements
19 before they come to us.
20 And so we try to get them
21 stabilized and back in school and back on track
22 and provide counseling, medical services,
23 tutoring, transportation. Any service that they
24 need we try to provide.

1 A. Yes, ma'am.
2 MS. TAMRAT: Okay. I have nothing
3 further.
4 MR. RODDY: Thank you, Sergeant. Stay
5 safe.
6 HEARING OFFICER BERLAND: Off the record.
7 (Whereupon discussion was
8 had off the record from
9 1:44 p.m. to 1:45 p.m.)
10 Swear the witness, please.
11 (Witness sworn.)
12
13
14 ROBERT MARTIN,
15 called as a witness on behalf of the Respondent,
16 having been first duly sworn, was examined and
17 testified as follows:
18 DIRECT EXAMINATION
19 BY MR. RODDY:
20 Q. Would you state your name, sir, and
21 spell your last name for the court reporter?
22 A. Okay. Robert Martin, M-a-r-t-i-n.
23 Q. And your business or occupation, sir?
24 A. I'm a minister of Jesus Christ and

1 That is what they call a
2 full-service residential setting.
3 Q. How many students on the average
4 would you have under your umbrella?
5 A. We focus on small groups. The
6 maximum would be sixteen. The average is about
7 twelve residents on-site.
8 Q. Do you know Bruce Askew?
9 A. Yes, I do.
10 Q. How do you know Bruce?
11 A. Bruce is one of the co-coordinators
12 of our security force there. He is employed as
13 a security officer at the site.
14 Q. And how long has he occupied that
15 position?
16 A. He's occupied that position for about
17 six years to five years.
18 Q. During that 5- or 6-year period, did
19 you ever receive any complaints from any of the
20 wards, I guess would be the proper word, wards
21 of the state?
22 MS. DUNCAN: Objection. Relevance.
23 HEARING OFFICER BERLAND: Overruled. Go
24 ahead.

1 A. Zero. The police there are embedded
2 into the program. It's not like most programs.
3 They work right on the
4 therapeutic floor with the counselors and
5 childcare workers. They have multiple
6 interventions with the youth.
7 Bruce has been instrumental in
8 developing the chess tournament there and
9 working with the youth and has nothing on record
10 for any inappropriate behavior. He's pretty
11 peaceful. Redirects the kids.
12 MR. RODDY: Q. His reputation in the
13 community where you've seen him as an employee
14 of the -- of your youth services, his reputation
15 in that community for truthfulness?
16 A. He's very truthful, and he makes good
17 judgment. That's why he's over our police force
18 there.
19 We receive the most provocative
20 and most violent children in the system, and
21 he's done very well with them.
22 Q. You are here pursuant to a subpoena,
23 Reverend, are you not?
24 A. Yes.

1 about any complaints that might come up.
2 I am asking specifically about
3 Officer Askew's reputation for truthfulness.
4 Can you please tell me any of the
5 names or titles of individuals with whom you
6 have spoken to about Mr. Askew's reputation for
7 truthfulness?
8 A. Well, it would be the associate
9 director, it would be your shift supervisor, and
10 it would be your childcare workers.
11 Q. And have you personally had
12 conversations with the associate director about
13 Mr. -- Officer Askew's reputation for
14 truthfulness?
15 A. Yes, his and others. I have to
16 monitor that.
17 Q. Have you personally had conversations
18 with the shift supervisor about Officer Askew's
19 reputation for truthfulness?
20 A. Yes.
21 Q. Have you personally had conversations
22 with the childcare workers about Officer Askew's
23 reputation for truthfulness?
24 A. Yes.

1 MR. RODDY: You may cross.
2
3
4 CROSS EXAMINATION
5 BY MS. DUNCAN:
6 Q. Reverend, my name is Tai Duncan. I
7 represent the Superintendent in this matter.
8 You testified that Officer Askew
9 has a reputation for truthfulness. Can you
10 please tell me if you have spoken to any
11 individuals about truthfulness as it pertains to
12 Mr. Askew?
13 A. Yes.
14 Q. Which individuals have you spoken
15 with about his truthfulness?
16 A. The way it works, they have to
17 debrief after every shift. And so when there
18 are any critical incidences that occur or any
19 incidences with the police, reports have to be
20 done, and administration usually does some type
21 of review, some type of discussion with staff,
22 and so that's where you get that from.
23 Q. Okay. So I guess -- I understand
24 that there is debriefing, and you're talking

1 Q. Can you please tell when these
2 conversations took place?
3 A. I can't tell you what date, but I can
4 say that they generally will occur when I do a
5 monitoring of how the checks are going.
6 When kids come in and out of the
7 door, there is a check that the officers have to
8 make to make sure that no weapons are coming in.
9 There is a certain procedure on how that has to
10 be done to protect kids' rights. There is
11 interaction on the floor that has to be
12 reviewed.
13 So the bottom line is you're
14 constantly checking that the milieu is
15 respecting the rights of the DCFS wards. And
16 that's where the truth issue comes up.
17 You're seeing reports, you're
18 hearing issues, you're asking questions, and you
19 get staff saying, "No, this is what happened,"
20 and you're verifying that people are telling the
21 truth to the best of your ability, and you've
22 got people's reputation where people say, "No,
23 he's got integrity. He's telling the truth."
24 Q. I think that -- if I could make an

1 objection to my own -- I mean, regarding my own
2 questions as far as them being not responsive to
3 the actual question.
4 HEARING OFFICER BERLAND: If there is an
5 answer that's nonresponsive, move to strike it.
6 Proceed with your next question.
7 THE VIDEOGRAPHER: I'm sorry. We are now
8 off the record. I just have to change tape.
9 (Whereupon discussion was
10 had off the record from
11 1:51 p.m. to 1:53 p.m.)
12 HEARING OFFICER BERLAND: Proceed.
13 MS. DUNCAN: Q. Reverend, I would like to
14 ask you now about -- strike that.
15 I understand that there are
16 certain checks and discussions that go on to
17 maintain, you know, a safe and productive
18 environment at your site.
19 I would like you to explain for
20 us, if you can, even if you don't know the
21 dates, a specific instance where Officer Askew's
22 truthfulness, rather than integrity generally,
23 but specifically his truthfulness was discussed
24 between you personally and another member of

1 everything that everybody else said.
2 So in the milieu he has a
3 reputation for telling the truth, writing
4 accurate information on any documentation.
5 That's one of the incidences that I can think
6 of.
7 MS. DUNCAN: I have no further questions.
8 Thank you.
9 MR. RODDY: Thank you, Reverend.
10 HEARING OFFICER BERLAND: You're excused.
11 Take the microphone off.
12 (Whereupon discussion was
13 had off the record from
14 1:55 p.m. to 1:56 p.m.)
15 Swear the witness, please.
16 (Witness sworn.)
17
18
19
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1 your staff or community?
2 A. Well, the incident that comes to my
3 mind -- and it's just general incidences -- with
4 the adolescents they may have anger management
5 problems.
6 So I remember some instance
7 occurring on one of the shifts where one of the
8 young men, about seventeen years old, partially
9 kicked down a kitchen door, and staff gave the
10 young man redirection and was able to counsel
11 him down, and Bruce discussed with the young man
12 his options as relates to how he can control his
13 anger along with the counselor that was on the
14 floor.
15 When I asked staff about the
16 incident, basically I asked, "The officer was
17 involved in that. What the officer said, is
18 that what took place? Did Bruce give an
19 accurate report? Did he tell the truth?"
20 And then the person was saying,
21 "Yes, Bruce always reports accurately. He
22 always tells the truth."
23 And so I'm going back around
24 making sure that the story collaborates with

1 JACOB HATTAR,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:
5 DIRECT EXAMINATION
6 BY MR. RODDY:
7 Q. Would you state your name, sir, and
8 spell your last name for the court reporter,
9 please?
10 A. Jacob Hattar. My last name is
11 H-a-t-t-a-r.
12 Q. And your business or occupation, sir?
13 A. Manager of Rainbow Finer Foods.
14 MS. TAMRAT: I'm sorry?
15 THE WITNESS: Manager, Rainbow Finer
16 Foods.
17 MR. RODDY: Q. You speak faster than I
18 do. So you've got to slow down a little because
19 that professional lady has got to take down
20 everything that you're saying, okay?
21 A. Oh, okay.
22 Q. So slow, slow, slow.
23 Your wife spoke slowly. So you
24 speak slowly, okay?

1 All right. Where is the Rainbow
2 Food located at?
3 A. 6316 South Ashland Avenue.
4 Q. And how long have you owned that
5 place of business?
6 A. Twenty-five years.
7 Q. Okay. And what is the nature of
8 that place of business?
9 A. Grocery store.
10 Q. Sell all types of groceries like
11 Jewel or Dominick's or stuff like that?
12 A. Yes.
13 Q. You know Bruce Askew?
14 A. Yes.
15 Q. How long have you known Bruce?
16 A. Between seven to eight years.
17 Q. How do you know him?
18 A. I know him every time we start
19 calling the police, he pop up. That's all.
20 Q. Gave you good service?
21 A. Yes.
22 Q. Okay. During the 7- or 8-year
23 period, was he your -- your foot patrolman or
24 just an officer in the district? Excuse me. If

1 A. He's a truthful man.
2 MR. RODDY: Okay. You may cross.
3
4
5 CROSS EXAMINATION
6 BY MS. TAMRAT:
7 Q. Mr. Hattar, is that the right way to
8 say it?
9 A. Yes.
10 Q. So you just said that he's a truthful
11 man. That is your opinion?
12 A. Yes.
13 Q. And you are testifying based on your
14 own personal opinion?
15 A. Yes.
16 MS. TAMRAT: Move to strike his testimony
17 on the basis that it's based on his personal
18 opinion.
19 HEARING OFFICER BERLAND: Mr. Roddy?
20 MR. RODDY: I think he said he was
21 familiar with the reputation in the community.
22 HEARING OFFICER BERLAND: He did say that.
23 You can ask additional questions. I am not
24 ready to strike his testimony at this time.

1 you know.
2 A. Officer in district.
3 Q. Okay.
4 A. This I remember, not foot.
5 Q. During that 7- or 8-year period where
6 you owned the business and he was a policeman,
7 were you able to determine his reputation for
8 truthfulness in the community where you are an
9 owner of a business and he is a policeman?
10 A. Yes.
11 Q. And what is that reputation?
12 A. He's a good guy.
13 HEARING OFFICER BERLAND: No. What is his
14 reputation for truthfulness?
15 MR. RODDY: Q. What is his reputation for
16 truthfulness?
17 Q. For truthful -- he's good. I mean, I
18 don't understand real good, you know what I'm
19 saying?
20 Q. Do you know what the word "truth"
21 means, someone's truthful?
22 A. Truthful, yeah.
23 Q. Okay. What is his reputation for
24 truthfulness?

1 MS. TAMRAT: Well, he testified he did not
2 understand what it meant, reputation for
3 truthfulness.
4 HEARING OFFICER BERLAND: He testified
5 that he understood Officer Askew's reputation in
6 the community to be truthful. You may ask
7 further questions.
8 MS. TAMRAT: Q. Did you -- are you
9 familiar with Officer Askew's reputation for
10 truthfulness?
11 A. Yes.
12 Q. What is his reputation for
13 truthfulness?
14 A. He's an honest man.
15 Q. He's an honest man?
16 A. He is an honest man.
17 Q. And that is your opinion?
18 A. Yes.
19 MS. TAMRAT: Move to strike.
20 HEARING OFFICER BERLAND: Overruled.
21 You'll either ask further questions -- based on
22 his answers to date, he's testified that -- I
23 understand that he's testified that his opinion
24 is that he's an honest man.

1 He also testified that he knows
2 his reputation in the community to be that of an
3 honest man. I am not ready to strike the
4 testimony.
5 MS. TAMRAT: Q. Have you spoken to
6 anybody in your community about Officer Askew's
7 reputation for truthfulness?
8 A. No.
9 Q. You haven't?
10 A. (Shaking head.)
11 MS. TAMRAT: Renew the motion to strike.
12 HEARING OFFICER BERLAND: Mr. Roddy?
13 Technically --
14 MR. RODDY: I have no further questions.
15 HEARING OFFICER BERLAND: Okay. I'll
16 strike the testimony.
17 MR. RODDY: Okay. Thank you.
18 (Whereupon discussion was
19 had off the record from
20 2:01 p.m. to 2:02 p.m.)
21 Swear the witness, please.
22 (Witness sworn.)
23
24

1 Q. Okay. And how did you first meet
2 him?
3 A. At work in the 7th district.
4 Q. During that period of time for two
5 and a half, three years when you were together
6 as co-police officers in the 7th District, were
7 you able to determine his reputation in the
8 police community where both of you worked for
9 truth and voracity?
10 A. Yes.
11 Q. What was that reputation?
12 A. He had a great reputation.
13 MR. RODDY: You may cross.
14
15
16 CROSS EXAMINATION
17 BY MS. TAMRAT:
18 Q. He had a great reputation for -- what
19 was that?
20 A. For truth.
21 Q. For truthfulness?
22 A. Truthfulness, compassion, lot of good
23 things.
24 Q. But specifically being asked about --

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1 SUSAN WILLIAMS,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:
5 DIRECT EXAMINATION
6 BY MR. RODDY:
7 Q. Would you state your name, ma'am, and
8 spell your last name for the court reporter,
9 please?
10 A. Susan Williams, W-i-l-l-i-a-m-s.
11 Q. And your business or occupation,
12 ma'am?
13 A. I am a police officer in the 5th
14 District.
15 Q. How long have you been in the 5th
16 District?
17 A. Since November.
18 Q. Where were you previously to the 5th
19 District?
20 A. The 7th District.
21 Q. Do you know Bruce?
22 A. I do know Bruce.
23 Q. How long have you known him?
24 A. About three years.

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1 if I may move to strike about reputation for
2 other things. I think she said passion or other
3 things.
4 HEARING OFFICER BERLAND: Reputation for
5 truthfulness can remain. Compassion will be
6 stricken. I am not suggesting he isn't
7 compassionate, but that's not an issue here.
8 MS. TAMRAT: Q. So you said you've known
9 him for about three years?
10 A. Yes.
11 Q. In the police department, 7th
12 District?
13 A. Correct.
14 Q. And this general reputation for
15 truthfulness, are you testifying based on your
16 personal opinion?
17 A. Partially.
18 Q. Your own personal opinion?
19 A. Partially.
20 Q. Oh, partially. I'm sorry. Okay.
21 Partially.
22 A. Yes.
23 Q. In addition to your own personal
24 opinion, have you had conversations with other

1 members of the police department?
2 A. Yes.
3 Q. And did you specifically discuss
4 Officer Askew's reputation for truthfulness?
5 A. Yes, we have.
6 Q. Specifically talked about his
7 reputation for truthfulness?
8 A. Yes.
9 Q. And what happened to call into
10 question his reputation for truthfulness that
11 you had to discuss it?
12 A. Well, when he was accused of what
13 he's being accused of now, and I've worked with
14 him on several jobs.
15 Q. Okay. And so that's when you talked
16 about his reputation for truthfulness?
17 A. Uh-huh.
18 HEARING OFFICER BERLAND: Yes?
19 MS. TAMRAT: Q. Is that a yes for the
20 record?
21 A. What do you mean?
22 Q. After he was accused, that's when you
23 started talking about his reputation for
24 truthfulness?

1 with other members of the police department
2 specifically about what his reputation for
3 truthfulness is?
4 A. Yes.
5 Q. Okay. And who have you spoken to
6 about his reputation for specifically
7 truthfulness?
8 A. People that were on the watch,
9 different police officers, people, citizens.
10 Q. Who are the police officers?
11 A. Police officers.
12 Q. Specific police officers, who have
13 you spoken to?
14 A. Specifically?
15 Q. Right.
16 A. People that have been here today.
17 Q. People who have been here?
18 A. Uh-huh.
19 Q. Who was that specifically?
20 HEARING OFFICER BERLAND: Answer yes or no
21 to each question, please.
22 THE WITNESS: Oh, okay.
23 MS. TAMRAT: Q. Who was that
24 specifically?

1 A. Oh, no. No. No. Well, I've never
2 heard him being called a liar, let's put it that
3 way, before that.
4 Q. Okay. So you never heard him being
5 called a liar?
6 A. Right.
7 Q. And is that the basis for your
8 testimony that he has a good reputation for
9 truthfulness?
10 A. Could you rephrase that?
11 Q. You testified you've never heard
12 anybody call him a liar?
13 A. Correct.
14 Q. And is that the basis for your
15 testimony that he has a good reputation for
16 truthfulness?
17 Am I not making myself clear?
18 A. No.
19 Q. You testified he has a good
20 reputation for truthfulness?
21 A. Uh-huh.
22 Q. Was that a yes?
23 A. Yes.
24 Q. Oh, okay. Have you had conversations

1 A. Can I answer specifically?
2 HEARING OFFICER BERLAND: Yes.
3 THE WITNESS: Arlene Tankson.
4 MS. TAMRAT: Q. Arlene Tankson?
5 A. She's on your list, I'm sure.
6 Q. She is not.
7 A. Oh, she isn't?
8 Q. No. Mr. Roddy doesn't share his list
9 with me. So I don't know.
10 MR. RODDY: They are not exactly hidden.
11 For the record they have been here since 9:00 in
12 the morning waiting for this case.
13 MS. TAMRAT: Q. Arlene Tankson?
14 A. Tankson.
15 Q. Tankson. And she's an officer in the
16 7th District?
17 A. She is.
18 Q. And when did you talk about Officer
19 Askew's reputation for truthfulness?
20 A. Not just today. On other occasions.
21 I don't recall exactly when.
22 Q. How did you start talking about his
23 reputation for truthfulness?
24 A. I don't even really recall.

1 Q. You don't recall?
2 A. Uh-uh.
3 MS. TAMRAT: I have nothing further.
4 MR. RODDY: Thank you, Officer. Stay
5 safe.
6 (Whereupon discussion was
7 had off the record from
8 2:06 p.m. to 2:07 p.m.)
9 HEARING OFFICER BERLAND: Swear the
10 witness, please.
11 (Witness sworn.)
12
13
14 JAMES FENNESSEY,
15 called as a witness on behalf of the Respondent,
16 having been first duly sworn, was examined and
17 testified as follows:
18 DIRECT EXAMINATION
19 BY MR. RODDY:
20 Q. Would you state your name, sir, and
21 spell your last name for the court reporter,
22 please?
23 A. Officer James Fennessey,
24 F-e-n-n-e-s-s-e-y.

1 CROSS EXAMINATION
2 BY MS. DUNCAN:
3 Q. Hi, officer Fennessey. My name is
4 Tai Duncan. I represent the Superintendent in
5 this matter. A couple of questions for you.
6 So you said that you have
7 ascertained that Officer Askew's reputation for
8 truthfulness is very good; is that right?
9 A. Yes.
10 Q. And have you spoken with other
11 officers about Officer Askew's reputation for
12 truthfulness specifically?
13 A. Specifically, yes.
14 Q. Can you think of an incident in which
15 you spoke to anyone in the -- any other officer
16 about Officer Askew's reputation for
17 truthfulness?
18 A. I've been on numerous jobs with
19 Officer Askew. You want a specific police
20 officer's name?
21 Q. A name would help, even a time --
22 let's start with a name.
23 Can you think of a person with
24 whom you have spoken regarding Officer Askew,

1 Q. And your business or occupation, sir?
2 A. Police officer.
3 Q. And where are you presently assigned?
4 A. 7th District.
5 Q. How long have you been assigned
6 there?
7 A. Twenty-four years.
8 Q. Do you know Bruce Askew?
9 A. Yes.
10 Q. How long have you known Bruce?
11 A. Fifteen years.
12 Q. Were you ever his partner?
13 A. I don't believe we ever worked in one
14 car together, no.
15 Q. Okay. During this 15-year period
16 that you've known Bruce in the 7th District in
17 the police community where both of you worked,
18 were you able or are you able to determine his
19 reputation for truth in that community?
20 A. In the police community, yes.
21 Q. What is that reputation?
22 A. Very good.
23 MR. RODDY: Okay. You may cross.
24

1 whether he's truthful or not truthful?
2 A. An officer?
3 Q. Yes, or anyone in the police
4 community.
5 A. I am trying to think -- I was on a
6 job with him one time. We were all getting
7 ready to go home and it was at a school next to
8 the police station, and he gave everybody his
9 name and phone number on the scene, the parents,
10 and he met them all the next morning to make an
11 arrest at the school while the people were on
12 the scene.
13 I am trying to think of the other
14 officers who were there with me.
15 Q. I would like to strike the testimony
16 as being nonresponsive. I am asking about
17 truth -- his reputation for truth.
18 HEARING OFFICER BERLAND: That is correct.
19 She asked you only if you have had conversations
20 with other officers regarding Officer Askew's
21 reputation for truth and, if so, whom.
22 That's the sole reason you're
23 testifying here, that you know his reputation
24 for truthfulness in the police community.

1 THE WITNESS: Okay. Officer Dan Bohan,
2 who is my current partner.
3 MS. DUNCAN: Q. Do you know how to spell
4 Officer Dan Bohan's last name?
5 A. B-o-h-a-n.
6 Q. You said he's your current partner?
7 A. My current partner, yes.
8 Q. So is it your testimony that you've
9 spoken with Officer Dan Bohan regarding whether
10 or not -- the degree to which Officer Askew is
11 truthful?
12 A. Yes.
13 Q. And can you tell me approximately
14 when you had this discussion or certain
15 discussions with him?
16 A. Two or three months ago.
17 Q. And what brought about the
18 discussions two or three months ago with Dan
19 Bohan regarding Officer Askew's truthfulness?
20 A. About the crime conditions on Beat
21 725.
22 Q. So what -- so in that discussion what
23 about officer Askew's truthfulness was
24 discussed?

1 the watch commander, and he came right in and
2 said, "Yeah, I had my radio off. I didn't mean
3 to, but I did," where probably most people would
4 have found some way to get out of that.
5 MS. DUNCAN: Objection.
6 MR. RODDY: She asked for a specific.
7 HEARING OFFICER BERLAND: You asked for a
8 specific. He gave it to you.
9 MS. DUNCAN: Q. I guess I don't
10 understand what "red-lined" means?
11 A. If you do not answer your police
12 radio -- I think they call you three times in a
13 60-second period. If you don't answer, they
14 call it a red line.
15 Q. So did you -- how did you come to
16 find out about this red-line situation where
17 Officer Askew admitted his radio was off?
18 A. It happens over the air. I believe I
19 was in the watch commander's office when he came
20 in.
21 Q. Okay. So you were there when Officer
22 Askew admitted to having his radio off?
23 A. Yes.
24 Q. And did his admission come after he

1 A. His truthfulness? I can't give you a
2 specific.
3 Q. Is that the end of your answer? I
4 didn't know if you were still thinking.
5 A. I'm still thinking.
6 Q. Okay. Take your time.
7 A. Just that I've talked to a lot of
8 officers. You're asking for specific dates.
9 HEARING OFFICER BERLAND: You talked to a
10 lot of other officers about his truthfulness?
11 THE WITNESS: Yes. He's one of the best
12 police officers -- Okay.
13 HEARING OFFICER BERLAND: No. Did you
14 talk to other officers about his truthfulness?
15 THE WITNESS: Yes.
16 HEARING OFFICER BERLAND: Okay.
17 MS. DUNCAN: Q. I guess my question is:
18 If you recall talking specifically about
19 truthfulness, can you give me an example of why
20 truthfulness would come into play with regard to
21 Officer Askew?
22 What kind of things were you
23 talking about in relation to his truthfulness?
24 A. He was red-lined once on the air by

1 was accused of having it off?
2 I am trying to figure out how it
3 works. Strike that. Never mind.
4 Do you recall about how long ago
5 that was?
6 A. I'm guessing about a year maybe.
7 MS. DUNCAN: Okay. I have no further
8 questions.
9 MR. RODDY: Thank you, Officer. Stay
10 safe.
11 HEARING OFFICER BERLAND: You're excused.
12 (Whereupon discussion was
13 had off the record from
14 2:14 p.m. to 2:15 p.m.)
15 Swear the witness, please.
16 (Witness sworn.)
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1 SHARON JASICA,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. RODDY:

7 Q. Would you state your name, please,
8 and spell your last name for the court reporter?

9 A. Sergeant Sharon Jasica, J-a-s-i-c-a.

10 Q. And your business or occupation,
11 ma'am?

12 A. Sergeant, Chicago Police Department.

13 Q. Where are you presently assigned?

14 A. I'm presently assigned to the 12th
15 District.

16 Q. Where were you assigned prior to the
17 12th District?

18 A. I was assigned to the 7th District.

19 Q. Okay. And what period of time were
20 you in the 7th?

21 A. I was there from approximately 1999
22 to 2005, I believe.

23 Q. During that period of time, did you
24 get to know Bruce Askew?

1 Superintendent in this matter.
2 And you testified just now that
3 you have known Bruce Askew or you worked with
4 him for about six years; is that correct?

5 A. Roughly. I left for a short -- but
6 roughly.

7 Q. Okay. And that you testified that
8 his reputation for truthfulness was excellent?

9 A. Yes.

10 Q. Can you give me -- have you spoken to
11 anyone specifically about Officer Askew's
12 reputation for truthfulness?

13 A. During my time while I worked with
14 him?

15 Q. At any point.

16 A. Well, I've been -- we've gone on many
17 jobs together. He was the beat next to me for
18 several years. Citizens have told me -- many
19 citizens have been happy with the performance.

20 MS. DUNCAN: That's nonresponsive. I'm
21 asking specifically about truthfulness.

22 HEARING OFFICER BERLAND: She's asking
23 about truthfulness. You're testifying that you
24 know his reputation for truthfulness. So if you

1 A. Yes, I did.

2 Q. That period of time is roughly what?

3 Fifteen, sixteen years, Sergeant; is that
4 correct?

5 A. I'm sorry?

6 Q. '99 -- oh, I'm sorry. Six-year
7 period. I'm making you older. I apologize.

8 During that six-year period, were
9 you able to determine his reputation where both
10 of you worked together as patrolmen in the 7th
11 District, his reputation in the community for
12 truthfulness?

13 A. Yes.

14 Q. Okay. What was that reputation?

15 A. He had an excellent reputation.

16 MR. RODDY: Okay. You may cross.

17

18

19 CROSS EXAMINATION

20 BY MS. DUNCAN:

21 Q. Sergeant Jasica, am I saying that
22 correctly?

23 A. Yes.

24 Q. I'm Tai Duncan. I represent the

1 do, just tell us.

2 THE WITNESS: Yes. With regards to case
3 reports, arrest reports I've done, I trust that
4 it's done correctly. I have signed my name to
5 reports that we've both been on after reading
6 them --

7 MS. DUNCAN: I strike that as
8 nonresponsive as to reputation because it's
9 not -- I asked if she had conversations, if she
10 talked to anyone else about it.

11 HEARING OFFICER BERLAND: I will let that
12 answer stand, but it was not directly
13 responsive. So --

14 THE WITNESS: Maybe I'm misunderstanding
15 the question a little bit.

16 MS. DUNCAN: Okay. I'll try it again to
17 be more clear.

18 Q. Have you had conversation
19 with other people in the police community
20 regarding Officer Askew's reputation for
21 truthfulness?

22 A. Yes.

23 Q. Okay. When did you have those
24 conversations, approximately?

1 A. Specific date --
2 Q. Today? Yesterday? In the last
3 month? How long?
4 A. Over the years several times with
5 different officers. Officers talk amongst each
6 other as to who we trust or don't trust.
7 Q. With regard to trust, do you mean
8 trust generally or trust that they're being
9 truthful?
10 A. Trust they're being truthful.
11 Q. So specifically with regard to
12 Officer Askew, do you recall with whom you have
13 spoken about his truthfulness, his reputation
14 for truthfulness?
15 A. I've had conversations with Officer
16 Oboikovitz. She used to work --
17 Q. Do you know how --
18 HEARING OFFICER BERLAND: Can you spell
19 that?
20 THE WITNESS: O-b-o-i-k-o-v-i-t-z.
21 MS. DUNCAN: Q. Thank you. I'm sorry to
22 interrupt.
23 A. She was also on the watch with us.
24 Officer Coltri.

1 Q. Can you think of a particular
2 instance in which Officer Askew's truthfulness
3 or lack of truthfulness was discussed in the
4 police community?
5 A. Can you repeat the question? I'm
6 sorry.
7 Q. I'm trying to understand an example
8 of Officer Askew either being truthful or not
9 truthful.
10 Have you had any discussions in
11 the police community that specifically address
12 instances of truthfulness or lack of
13 truthfulness?
14 A. Specifically I would say the job that
15 he does with regard to calls.
16 Q. How do you mean?
17 A. These questions -- I'm sorry. It's
18 so vague.
19 Q. I am trying to understand
20 specifically about truth, whether or not Officer
21 Askew tells the truth.
22 Do you have examples of that?
23 A. I don't have examples of him not
24 telling the truth.

1 Q. In those -- let's start with Officer
2 Oboikovitz.
3 Do you recall about when that
4 was, about how long ago, or was it over the
5 years?
6 A. It was over the years.
7 Q. How about for Officer Coltri?
8 A. Over the years. We all worked the
9 same watch together.
10 Q. And do you recall what the -- what
11 prompted conversations about Officer Askew's
12 truthfulness in those circumstances?
13 A. It was just conversations. We talk
14 all the time about officers, and one -- when it
15 comes down to who you trust, Bruce -- I'm
16 sorry -- Officer Askew's always -- I relied on
17 him on a daily basis. I trusted him, and that's
18 what we talked about with the other officers.
19 Q. When you testified that Officer Askew
20 has a good reputation for truthfulness, are you
21 basing that on your own personal opinion of
22 Officer Askew?
23 A. My personal opinion and others that I
24 know of with that same opinion.

1 HEARING OFFICER BERLAND: That wasn't the
2 question.
3 THE WITNESS: I don't understand what type
4 of answer I'm supposed to give to it. I'm
5 sorry.
6 MS. DUNCAN: No other questions.
7 MR. RODDY: Thank you, Sergeant.
8 HEARING OFFICER BERLAND: Okay. Thank
9 you.
10 (Whereupon discussion was
11 had off the record from
12 2:21 p.m. to 2:22 p.m.)
13 Swear the witness, please.
14 (Witness sworn.)
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1 LaSHAWN MOORE,
2 called as a witness on behalf of the Respondent,
3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION
6 BY MR. RODDY:

7 Q. Would you state your name, please,
8 and spell your last name for the court reporter?
9 A. LaShawn Moore, M-o-o-r-e.

10 Q. You better spell the first name, too.

11 A. L-a-S-h-a-w-n.

12 Q. And your business or occupation, Ms.
13 Moore?

14 A. Teacher.

15 Q. Where at?

16 A. John Hope Community Academy.

17 Q. Is that in Chicago?

18 A. Yes.

19 Q. How long have you been a teacher
20 there?

21 A. This will be my third year.

22 Q. Do you know Bruce Askew?

23 A. Yes.

24 Q. Okay. How long have you known Bruce?

1 in the neighborhood, he would be there.
2 Q. And was he truthful?
3 A. Yes.
4 MS. TAMRAT: Object to the testimony prior
5 to that about him being dependable. It does not
6 relate --

7 HEARING OFFICER BERLAND: Maybe. I'll let
8 it stand.

9 MR. RODDY: You may cross.

10 MS. TAMRAT: I'm sorry. You said it will
11 stand?

12 HEARING OFFICER BERLAND: It will stand.
13 There is no hearing on aggravation and
14 mitigation. The Members of the Police Board may
15 or may not find it helpful if they find him
16 guilty in considering that testimony. It will
17 stand.

18 Proceed.

19

20

21

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24

1 A. For I know over seven years. I am
2 not sure of the exact amount of years.

3 Q. And how did you first meet him?

4 A. He was the beat cop.

5 Q. Where you lived; is that correct?

6 A. Yes.

7 Q. Did you also have a business or just
8 where you lived?

9 A. Just where I lived.

10 Q. And did you have occasion to call on
11 him many times?

12 A. Yes.

13 Q. And the service was good, I guess?

14 A. Yes.

15 Q. All right. During the seven-year
16 period that you knew him where you lived and he
17 was the beat cop, were you able to determine --
18 listen now -- were you able to determine his
19 reputation for truthfulness in the community
20 where you lived?

21 A. Yes.

22 Q. And what was that?

23 A. That he was a dependable cop that you
24 could call on. When you needed something done

1 CROSS EXAMINATION

2 BY MS. TAMRAT:

3 Q. Okay. Ms. Moore?

4 A. Yes.

5 Q. You testified about his reputation
6 for truthfulness?

7 A. Yes.

8 Q. And what is officer Askew's
9 reputation for truthfulness?

10 A. Well, at the beat meetings he's
11 just -- you know, he brings in his information
12 that he has the logs from what -- I guess what
13 incidents happened, and the people there verify,
14 "Well, yes, that happened and this happened,"
15 you know, from what I could gather.

16 Q. So based on your own personal
17 opinion, you would say?

18 MR. RODDY: Objection. That's not what
19 she said.

20 HEARING OFFICER BERLAND: No, that isn't
21 what she said.

22 A. No, it is from the other people, from
23 the other people at the beat meetings, from the
24 information that he had and the information that

1 they witnessed. I guess them collaborating or
2 coming together, the two sides of the story were
3 accurate.

4 MS. TAMRAT: Q. And you made the
5 determination that it was accurate, the two
6 stories were accurate?

7 A. From what I could hear, yes.

8 Q. So you were the one that made the
9 determination it was accurate?

10 I am trying to understand.

11 You're saying you went to CAPS meetings; is that
12 right?

13 A. Yes.

14 Q. And you heard, what, two different
15 sides talking about what happened?

16 A. Right.

17 Q. So who would be the different sides?

18 A. I guess just from us citizens and
19 then the police people.

20 Q. Okay. So the citizens talking about
21 what happened and then officers, and you made
22 the determination that what you heard was
23 accurate?

24 A. Yes.

1 For whatever probative value it is, it will
2 stand.

3 MS. TAMRAT: I have nothing further.

4 MR. RODDY: Thank you, Ms. Moore.

5 (Whereupon discussion was

6 had off the record from

7 2:26 p.m. to 2:27 p.m.)

8 HEARING OFFICER BERLAND: Swear the
9 witness, please.

10 (Witness sworn.)

11

12

13 DEAN COLTRI,

14 called as a witness on behalf of the Respondent,
15 having been first duly sworn, was examined and
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. RODDY:

19 Q. Would you state your name, sir, and
20 spell your last name for the court reporter,
21 please?

22 A. Dean Coltri, C-o-l-t-r-i.

23 Q. And your business or occupation, sir?

24 A. Chicago police officer.

1 Q. And is that the basis for your
2 testimony that Officer Askew has a good
3 reputation for truthfulness?

4 A. Well, he's truthful for me. So,
5 yeah.

6 Q. Based on your interactions with him?

7 A. Right.

8 MS. TAMRAT: I believe the witness has
9 testified that it is based on her personal
10 experiences and personal opinion.

11 MR. RODDY: That is not true. The record
12 clearly shows that she went to a CAPS meeting
13 and the people that talked, she says, confirmed
14 what he had said.

15 That's her reputation, from
16 people at the CAPS meeting in addition to her
17 own personal opinion.

18 MS. TAMRAT: That's not the foundational
19 requirement for reputation for truthfulness.

20 HEARING OFFICER BERLAND: It will stand.

21 MS. TAMRAT: We are making the objection
22 that he has not laid a foundation for reputation
23 for truthfulness.

24 HEARING OFFICER BERLAND: I understand.

1 Q. Where are you presently assigned?

2 A. 7th District.

3 Q. How long have you been so assigned to
4 the 7th District?

5 A. Since 1998.

6 Q. Do you know Bruce Askew?

7 A. Yes, I do.

8 Q. How do you know him?

9 A. I work with Officer Bruce Askew.

10 Q. During this period from 1998 until he
11 got suspended?

12 A. Yes.

13 Q. Were you his partner or just worked?

14 A. Worked together on days, separate
15 cars, but we all worked together on days.

16 Q. During that period of time, from 1998
17 until he got suspended, were you able to
18 determine his reputation in the police community
19 where both of you worked for being a truthful
20 person?

21 A. Yes, through working with other
22 officers and how everybody speaks of Bruce, yes.

23 Q. And what was that reputation?

24 A. He is a very good working officer,

1 always there for one another.
2 Q. And his reputation for truthfulness?
3 A. Very well.
4 MR. RODDY: Okay. You may cross.
5
6

7 CROSS EXAMINATION

8 BY MS. DUNCAN:

9 Q. You testified that you understand
10 that Officer Askew has a reputation for
11 truthfulness that is good; is that right?

12 A. Yes.

13 Q. And how did you learn of this
14 reputation for truthfulness in the police
15 community?

16 A. Well, the day this happened to
17 Officer Askew, when he said that he did make
18 that police report, I believe that he did, and
19 myself and fellow officers went and looked
20 through all the records and we did find it.

21 Q. So you personally believed that he
22 had been truthful?

23 A. Yes.

24 Q. Do you recall what other officers

1 A. No. That was back when this incident
2 happened.
3 Q. So about -- I am trying to get a
4 better idea.
5 A. No, when Officer Askew was relieved
6 of his powers. That was back in March, April,
7 May, whatever it was.
8 Q. Okay. So just to clarify, your
9 understanding is that the report was found after
10 Officer Askew was relieved of his powers?
11 A. Yes.
12 Q. Prior to this incident where you said
13 that you and the other officers believed that
14 Officer Askew had made this report, had you
15 previously had any discussions about Officer
16 Askew's reputation for truthfulness in the
17 police community?
18 A. With my fellow officers I work with.
19 Q. And how would these discussions come
20 up about truthfulness specifically?
21 A. I never heard anybody say anything
22 bad about Bruce. We always worked. He does
23 good police work. Truthful in how he makes
24 arrests. Conducts himself --

1 were with you in looking for this case report?
2 A. Yes, myself and three other officers.
3 Q. Can you tell me their names?
4 A. Officer Tankson, Officer Chuck
5 Galvan, and Officer Luther Haines.
6 Q. So did you speak with any or all of
7 those three officers regarding Officer Askew's
8 truthfulness?
9 A. We all believed that he did make the
10 report, and that's why we searched and looked up
11 and we found it.

12 Q. And about how long after the -- do
13 you remember about when this occurred, when you
14 all talked about his truthfulness?

15 A. I can't give you a date, ma'am.

16 Q. Did you personally find the case
17 report that you were talking about?

18 A. No. Officer Tankson did.

19 Q. Do you know about when that happened?

20 A. I can't remember which day it was.

21 Q. Would you say it was in the last two
22 weeks, last six months, three years ago?

23 You know, how long ago would you
24 say it was?

1 MS. DUNCAN: Move to strike any testimony
2 that was non-responsive to the question of
3 truthfulness.

4 HEARING OFFICER BERLAND: I will strike
5 the -- because he went further than
6 truthfulness.

7 Listen to the question and answer
8 the question only with respect to what you
9 learned in the police community for
10 truthfulness, not other things.

11 MS. DUNCAN: Q. Is there -- can you think
12 of a time when a discussion was specifically had
13 between you and other members of the police
14 community about Officer Askew's reputation for
15 truthfulness?

16 HEARING OFFICER BERLAND: Other than what
17 he's already testified about?

18 MS. DUNCAN: Right.

19 Q. Other what you've already
20 testified to.

21 A. That's hard to answer. I mean, I
22 couldn't give you a specific date.

23 Q. It doesn't have to be a specific
24 date, but a specific incident.

1 Can you recall what the
2 circumstances would have been under which you
3 would have discussed his truthfulness or
4 reputation?
5 A. I don't know how to phrase it to you
6 except the same answer that I just gave.
7 Q. I am just asking specifically about
8 truth, not about being a good worker or nice
9 person or any of those things. Just about
10 telling the truth, being honest.
11 A. There are many instances. I just
12 can't give you one at this moment.
13 Q. You said earlier that you believed
14 that -- strike that.
15 So is it true to say that the
16 reason that you and the other officers -- strike
17 that.
18 Speak for yourself. Is it fair
19 to say that the reason you searched for the case
20 report that you mentioned earlier was because
21 you personally believed Officer Askew to be
22 truthful?
23 A. Yes.
24 Q. Is that based on your personal

1 witness, please.
2 (Witness sworn.)
3
4
5 ARLENE TANKSON,
6 called as a witness on behalf of the Respondent,
7 having been first duly sworn, was examined and
8 testified as follows:
9 DIRECT EXAMINATION
10 BY MR. RODDY:
11 Q. Would you state your name, please,
12 and spell both your first and last name for the
13 court reporter?
14 A. Arlene Tankson. A-r-l-e-n-e;
15 Tankson, T as in Tom-a-n-k-s-o-n.
16 Q. And your business or occupation, Ms.
17 Tankson?
18 A. Police officer.
19 Q. Where are you presently assigned?
20 A. 7th District, Englewood.
21 Q. How long have you been assigned
22 there?
23 A. The 7th District, eleven and a half
24 years.

1 opinion?
2 A. Of all the years I worked with Bruce,
3 yes.
4 MS. DUNCAN: Okay. I move to strike his
5 testimony.
6 HEARING OFFICER BERLAND: Denied.
7 MS. DUNCAN: It is his opinion.
8 HEARING OFFICER BERLAND: Denied. He said
9 he talked with other officers about his
10 reputation for truthfulness as well.
11 He may have his own opinion that
12 Officer Askew is truthful, which he responded
13 that he did, but he talked with other officers
14 specifically in looking for the case report that
15 apparently no one else discovered.
16 So the objection is overruled.
17 MS. DUNCAN: No further questions. Thank
18 you.
19 MR. RODDY: Thank you, Officer. Stay
20 safe.
21 (Whereupon discussion was
22 had off the record from
23 2:34 p.m. to 2:35 p.m.)
24 HEARING OFFICER BERLAND: Swear the

1 Q. Do you know Bruce Askew?
2 A. Yes, I do.
3 Q. How long have you known Bruce?
4 A. Anywhere between twenty-five and
5 twenty-seven years.
6 Q. How did you first meet him?
7 A. In the martial arts.
8 Q. You've got to help me with the
9 martial arts.
10 A. His children were taking martial
11 arts, and my ex-husband and I used to teach
12 martial arts, and Bruce was also a black belt
13 and so am I.
14 Q. Well, I ain't going to monkey around
15 with you.
16 During the police community, how
17 long did you work together in the 7th District?
18 A. We were partners together on
19 midnights for about two and a half years.
20 Q. And then after those two and a half
21 years, you still worked together in the 7th
22 District?
23 A. When he went to days, he left me. He
24 went to days, and then I shortly thereafter came

1 to days and then we would work together but, you
2 know, not in the same vehicle.

3 Q. Okay. During that entire time --
4 let's just concentrate on the police community
5 for the six or seven years that you and Bruce
6 worked in the 7th District -- were you able to
7 determine or learn that reputation in that
8 police district, his reputation for
9 truthfulness?

10 A. Yes.

11 Q. And what was that reputation?

12 A. In regards to everything that we've
13 done together, working with other officers.

14 Talking with the captain, the captain today told
15 me that, you know, she believes and has trust in
16 Bruce and that she told me to make sure I give
17 him her love.

18 Q. And his reputation --

19 MS. TAMRAT: Objection. Objection. Not
20 related to reputation.

21 HEARING OFFICER BERLAND: Just testify to
22 his reputation for truthfulness, please.

23 MR. RODDY: Q. You know him as a truthful
24 person in the community?

1 Q. And have you had any conversations
2 with others about -- not specific instances but
3 generally about his reputation for truthfulness?

4 A. Repeat that, please.

5 Q. Have you had conversations with
6 others in the police community about Officer

7 Askew's reputation for truthfulness?

8 A. Yes.

9 Q. And what -- under what circumstances
10 did you talk about his reputation for

11 truthfulness?

12 A. We -- Beat 725 would entail the West
13 Englewood library.

14 Q. Beat 725?

15 A. Beat 725, which was Officer Askew's
16 regular beat, would entail 725, west on 63rd
17 Street, which is the West Englewood Library, and
18 the workers there have always called Bruce and
19 myself in to help and to talk about problems
20 that was going on in the library.

21 Q. Okay. And so you respond to calls
22 from the library?

23 A. Correct.

24 Q. But how -- what does that have to do

1 A. Yes, I do.

2 MR. RODDY: Okay. You may cross.

3

4

5 CROSS EXAMINATION

6 BY MS. TAMRAT:

7 Q. So you've said you've known Officer
8 Askew for about twenty-five to twenty-seven
9 years?

10 A. Correct.

11 Q. So you would consider him a friend?

12 A. My best friend.

13 Q. He is your best friend?

14 A. Yes.

15 Q. Okay. And you said you were partners
16 at some point?

17 A. Yes.

18 Q. You testified about his reputation
19 for truthfulness?

20 A. Yes.

21 Q. When you testified about his
22 reputation for truthfulness, is that based on
23 your personal experience with him?

24 A. Yes.

1 with reputation for being truthful?

2 A. In regards to they know and they

3 believe that Officer Askew is an honest and
4 forthworthy police officer.

5 Q. I'm sorry. They think he is --

6 A. An honest and forthworthy police
7 officer.

8 Q. And you've had conversations with
9 them about specifically his reputation for being

10 truthful, or is it based on your -- his response
11 to calls they make?

12 A. Response to the calls.

13 Q. Response to calls.

14 But not a specific conversation

15 with them about whether or not he has a
16 reputation in the community for being truthful;
17 is that right?

18 A. In regards to what is going with him
19 right now, we discussed --

20 Q. I'm sorry. Are you talking about the
21 library?

22 A. Yes, I'm speaking of the library
23 people.

24 Q. Go ahead.

1 A. In regards to things that have
2 happened with Officer Askew in regards to this
3 particular incident that we're here right now
4 today in regards to a specific case report, we
5 have all talked about it, and I've talked with
6 the people at the library.

7 Q. They are not members of the police
8 department?

9 A. No.

10 Q. But you've spoken to them about this
11 police case?

12 A. That is because of the relationship
13 we have with them.

14 Q. And you spoke specifically about his
15 reputation for truthfulness?

16 A. Yes.

17 Q. But they are not members -- you are
18 not talking about members of the police
19 community?

20 A. They are not police officers, no.

21 They are City of Chicago employees.

22 Q. You're talking about the library
23 employees?

24 A. Correct.

1 HEARING OFFICER BERLAND: Okay. So you
2 have no objection if the Superintendent's --

3 MR. RODDY: Can't.

4 HEARING OFFICER BERLAND: You can't?

5 MR. RODDY: Because the rebuttal comes
6 after me. So --

7 HEARING OFFICER BERLAND: That's correct.
8 Okay. Let's talk about a date.

9 MR. RODDY: I knew you were going to do
10 that, and I didn't bring my book.

11 HEARING OFFICER BERLAND: I'll let you
12 call your office.

13 MR. RODDY: Why don't you give me dates in
14 reverse --

15 HEARING OFFICER BERLAND: Well, we've got
16 to talk to Ms. Tamrat and Ms. Duncan and see
17 what they have available.

18 I have a lot of dates that are
19 not good in August, but we'll get it in when we
20 get it in. Joe, you want to call your secretary
21 and see what dates you have?

22 (Whereupon discussion was
23 had off the record from
24 2:42 p.m. to 2:48 p.m.)

1 MS. TAMRAT: I have nothing further.
2 MR. RODDY: Thank you, Officer. Stay
3 safe.

4 HEARING OFFICER BERLAND: Any further
5 witnesses?

6 MR. RODDY: Not today, no.

7 HEARING OFFICER BERLAND: When you say
8 "not today" --

9 MR. RODDY: I'm presuming you are going to
10 give the City time to do rebuttal, and I've
11 subpoenaed two people, and one of them is really
12 important, and the other, she's a reputation
13 witness.

14 HEARING OFFICER BERLAND: Okay. You
15 subpoenaed people who are not present?

16 MR. RODDY: Yeah, I can --

17 HEARING OFFICER BERLAND: So you are both
18 asking for a continuance; is that correct?

19 Mr. Roddy?

20 MR. RODDY: Yes.

21 HEARING OFFICER BERLAND: You're asking
22 for a continuance as well?

23 MR. RODDY: Well, yes, but I want to make
24 my record. I did subpoena a Natasha Thomas.

1 Okay. While we were off the
2 record, we discussed a hearing date to complete
3 this hearing. We agreed upon August 28th --
4 pardon me -- August 24, 2009, at 10 a.m.

5 Is that good for the

6 Superintendent's counsel?

7 MS. DUNCAN: Yes, it is.

8 HEARING OFFICER BERLAND: Is that good for
9 the Respondent's counsel?

10 MR. RODDY: Yes, it is.

11 HEARING OFFICER BERLAND: August 24th at
12 10 will be the conclusion of this hearing.

13 (Whereupon the foregoing

14 proceedings were concluded
15 at 2:49 p.m.)

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1 STATE OF ILLINOIS }
2 } SS.
3 COUNTY OF COOK }

4
5
6 I, GINA M. PINTOZZI, CSR, RPR, do
7 hereby certify that I am a court reporter doing
8 business in the City of Chicago; that I reported
9 in shorthand the proceedings had in the
10 above-captioned cause taken on July 23, 2009;
11 and that the foregoing is a true and correct
12 transcript of my shorthand notes so taken as
13 aforesaid.

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20 Certified Shorthand Reporter
21 Registered Professional Reporter
22 License No. 084-001997
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